KF1
235
A21
M R.

IIT Chicago Kent
MAR - 3 1997
College of Law Library

1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 09 — February 28, 1997

Pages 2762 - 2868

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
http://www.sos.state.il.us

Printed on recycled paper

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

February 28, 1997 Volume 21, Issue 9

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Pay Plan
80 Ill. Adm. Code 310 2762
State (of Illinois) Employees' Deferred Compensation Plan
80 Ill. Adm. Code 2700 2773

CORRECTIONS, DEPARTMENT OF
Rights And Privileges
20 Ill. Adm. Code 525 2780

FIRE MARSHAL, OFFICE OF THE STATE
Storage, Transporation, Sale And Use Of Gasoline And Volatile Gas
41 Ill. Adm. Code 180 2791
Storage, Transportation, Sale And Use Of Petroleum And Other Regulated Substances
41 Ill. Adm. Code 170 2800

PUBLIC AID, DEPARTMENT OF
Food Stamps
89 Ill. Adm. Code 121 2820

PUBLIC HEALTH, DEPARTMENT OF
Migrant Labor Camp Code
77 Ill. Adm. Code 935 2829
The Illinois Water Well And Pump Installation Contractor's License Code
77 Ill. Adm. Code 915 2847

SECRETARY OF STATE
Regulations Under The Illinois Securities Law Of 1953
14 Ill. Adm. Code 130 2852

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received 2864

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

97-048 We Remember, We Care for Indigent Persons Day 2865
97-049 Barbara A. Cimaglio Day 2865
97-050 Illinois Pork Producers Association Day 2865
97-051 L.C. Potts Day 2866

97-052 Life Insurance Week 2866
97-053 Public Health Week 2867
97-054 Saving Month 2867

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997
May 20, 1997	May 27, 1997	22	May 30, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997
June 24, 1997	July 01, 1997	27	July 7, 1997*

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
July 1, 1997	July 8, 1997	28	July 11, 1997
July 8, 1997	July 15, 1997	29	July 18, 1997
July 15, 1997	July 22, 1997	30	July 25, 1997
July 22, 1997	July 29, 1997	31	Aug. 1, 1997
July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1995
Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday *(the day before).*

*** Monday**

Printed by authority of the State of Illinois
February 1997 – 730 – GA-789

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Proposed Action:
310.230	Amended
310.280	Amended

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) A Complete Description of the Subjects and Issues Involved: In Section 310.230, Part-Time Daily or Hourly Special Services Rate, the abolished Hearing and Speech Coordinator title is being replaced with the Hearing and Speech Advanced Specialist. The hourly rate of $15.00 to $30.00 will remain appropriate for the new Hearing and Speech Advanced Specialist title.

In Section 310.280, Designated Rate, the annual salaries for the Economic Development Representative II and Public Information Officer IV in the Department of Commerce and Community Affairs are being revised from $50,400 to $51,912, and from $54,552 to $56,184, respectively. Also, a Private Secretary II with the annual salary of $48,852 in the Illinois Industrial Commission is being added to this Section. These Designated Rate changes have already been approved by the Governor and are now being included into the Pay Plan.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain any incorporations by reference? No

9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.230	Amended	20 Ill. Reg. 15804 (December 13, 1996)
310.230	Amended	21 Ill. Reg. 732 (January 17, 1997)

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, IL 62706
(217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because: They were not known at the time.

The full text of the proposed amendment(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 1997
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1997
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay
TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA NR-916 (Department of Natural Resources, Teamsters)
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C RC-069 (Firefighters, AFSCME)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #330)
TABLE F RC-019 (Teamsters Local #25)
TABLE G RC-045 (Automotive Mechanics, IFPE)
TABLE H RC-006 (Corrections Employees, AFSCME)
TABLE I RC-009 (Institutional Employees, AFSCME)
TABLE J RC-014 (Clerical Employees, AFSCME)
TABLE K RC-023 (Registered Nurses, INA)
TABLE L RC-008 (Boilermakers)
TABLE M RC-110 (Conservation Police Lodge)
TABLE N RC-010 (Professional Legal Unit, AFSCME)
TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q RC-033 (Meat Inspectors, IFPE)
TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T HR-010 (Teachers of Deaf, IFT)
TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V CU-500 (Corrections, Meet and Confer Employees)
TABLE W RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1997
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
	83 to 106 (daily)
Apiary Inspector	8.28 to 10.15 (hourly)
Building/Grounds Laborer	4.25 to 6.00 (hourly)
Building/Grounds Lead I	4.25 to 7.00 (hourly)
Building/Grounds Lead II	5.25 to 8.00 (hourly)
Building/Grounds Maintenance Worker	5.00 to 6.00 (hourly)
Chaplain I	32 to 70 (daily)
Chemist I	32 to 45 (daily)
Conservation/Historic Preservation Worker	4.50 to 6.50 (hourly)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	4.64 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.78 to 6.50 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Educator		25 to 85 (daily)
Educator Aide		32 to 35 (daily)
Guard II		67 to 84 (daily)
Guard III		75 to 96 (daily)
Hearing and Speech Advanced Specialist		15 to 30 (hourly)
~~Hearing and Speech Coordinator~~		
Hearings Referee		75 to 200 (daily)
Janitor I		4.73 to 5.30 (hourly)
Labor Maintenance Lead Worker		5.00 to 6.00 (hourly)
Labor Relations Investigator		35 to 70 (daily)
Laborer (Maintenance)		4.25 to 5.70 (hourly)
Maintenance Worker		4.25 to 5.00 (hourly)
Occupational Therapist Program Coordinator		40 to 160 (daily)
Office Aide	Eff. FY '96:	8.12 to 10.40 (hourly)
		60 to 78 (daily)
	Eff. FY '97:	8.12 to 10.71 (hourly)
		60 to 80 (daily)
Office Assistant	Eff. FY '96:	9.16 to 12.00 (hourly)
		68 to 90 (daily)
	Eff. FY '97:	9.16 to 12.36 (hourly)
		68 to 93 (daily)
Office Associate	Eff. FY '96:	9.80 to 13.05 (hourly)
		73 to 98 (daily)
	Eff. FY '97:	9.80 to 13.44 (hourly)
		73 to 101 (daily)
Office Clerk	Eff. FY '96:	8.58 to 11.15 (hourly)
		64 to 84 (daily)
	Eff. FY '97:	8.58 to 11.49 (hourly)
		64 to 86 (daily)
Optometrist		15 to 35 (hourly)
		50 to 160 (daily)
Physician		100 to 300 (daily)
Physician Specialist (A)		20 to 60 (hourly)
		100 to 325 (daily)
Physician Specialist (B)		20 to 70 (hourly)
		100 to 350 (daily)
Physician Specialist (C)		20 to 75 (hourly)
		100 to 360 (daily)
Physician Specialist (D)		20 to 115 (hourly)
		100 to 370 (daily)
Podiatrist		50 to 125 (daily)
Psychologist I		35 to 80 (daily)
Psychologist II		40 to 125 (daily)
Psychologist III		40 to 150 (daily)
Recreation Worker I		5.33 (hourly)
		32 to 40 (daily)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Registered Nurse I	39 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	41 to 56 (daily)
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County - 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	43 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County - 2nd or 3rd shift)	47 to 62 (daily)
Revenue Tax Specialist I	11.56 to 16.16 (hourly)
	86 to 122 (daily)
Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family Services

Private Secretary II (Pos. No. 34202-16-00-000-03-30)	Annual Salary 43,452

Department of Commerce & Community Affairs

Economic Development Representative II (Pos. No. 12932-42-35-140-30-01)	Annual Salary 51,912 ~~50,400~~
Private Secretary II Pos. No. 34202-42-00-000-01-02)	Annual Salary 43,164
Public Information Officer IV (Pos. No. 37004-42-00-073-10-01)	Annual Salary 56,184 ~~54,552~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	Annual Salary 65,592
Illinois Industrial Commission	
Private Secretary II (Pos. No. 34202-50-37-000-00-01	Annual Salary 48,852
Department of Insurance	
Senior Public Service Administrator (Pos. No. 40070-14-00-000-00-06)	Annual Salary 97,100
Department of Mental Health and Developmental Disabilities	
Medical Administrator I, Option D (Pos. No. 26401-22-59-903-10-02)	Annual Salary 131,250
Medical Administrator II, Option D (Pos. No. 26403-22-66-260-00-01)	Annual Salary 142,000
Private Secretary II (Pos. No. 34202-22-15-000-00-01)	Annual Salary 41,004
Department of Revenue	
Public Service Administrator (Pos. No. 37015-25-12-000-00-01)	Annual Salary 69,744
Department of State Police	
Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	Annual Salary 85,153

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan

2) Code Citation: 80 Ill Adm. Code 2700

3)

Section Numbers:	Proposed Action:
2700.430	Amend
2700.700	Amend
2700.720	Amend
2700.735	Amend

4) Statutory Authority: Implementing Section 457 of the Internal Revenue Code (26 U.S.C.A. 457, et seq., as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

5) A Complete Description of the Subjects and Issues Involved: Section 2700.430 is being amended to comply with changes in the Internal Revenue Code effective with taxable years beginning after December 31, 1996, that will provide a cost-of-living adjustment to the maximum deferral amount of $7,500.

Sections 2700.700 and 2700.735 are being amended to comply with changes in the Internal Revenue Code effective with taxable years beginning after December 31, 1996, that permit a participant's account, when $3,500 or less, to be cashed-out while the participant is still employed.

Section 2700.720 is being amended to comply with changes in the Internal Revenue Code effective with taxable years beginning after December 31, 1996, that will permit a participant who has selected a delayed distribution date to make a one-time election to defer commencement of distributions.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE H: DEFERRED COMPENSATION
CHAPTER I: ILLINOIS STATE BOARD OF INVESTMENT

PART 2700
STATE (OF ILLINOIS) EMPLOYEES' DEFERRED COMPENSATION PLAN

SUBPART A: INTRODUCTION AND PURPOSE OF PLAN

Section
2700.100 Establishment of Plan
2700.110 Purpose of Plan

SUBPART B: DEFINITIONS

Section
2700.200 Definitions

SUBPART C: ADMINISTRATION

Section
2700.300 Responsibilities of the Department
2700.310 Responsibilities of the Board
2700.320 Deferred Compensation Hardship Committee
2700.330 Applicable Law

SUBPART D: PARTICIPATION IN THE PLAN

Section
2700.400 Eligibility
2700.410 Enrollment
2700.420 Minimum Deferment
2700.430 Maximum Deferment
2700.440 Catch-up
2700.450 Revocation of Deferral

SUBPART E: ESTABLISHMENT OF RETIREMENT AGE

Section
2700.500 Normal Retirement Age
2700.510 Alternative Normal Retirement Age

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section
2700.600 Deferred Compensation Accounts
2700.610 Allocation of Investment Earnings or Losses
2700.620 Investment Fund Valuation

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

2700.630 Administrative Costs
2700.640 Method of Making Investment Requests
2700.650 Participant Statements
2700.660 Unsecured General Creditor
2700.670 Investment Funds

SUBPART G: DISTRIBUTIONS

Section
2700.700 Distribution Events
2700.710 Beneficiary Election of Method of Distribution
2700.720 Election of Delayed Distribution Date
2700.730 Election of Method of Distribution
2700.735 Distribution of Small Accounts
2700.740 Unforeseeable Emergency
2700.750 Designation of Beneficiary
2700.760 Leave of Absence

SUBPART H: MISCELLANEOUS

Section
2700.800 Nonassignability
2700.810 Payments to Minors and Incompetents
2700.820 Missing Persons
2700.830 Severability
2700.840 Days and Dates

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

Section
2700.900 Amendment of Plan
2700.910 Termination of Plan
2700.920 Merger with Prior Plans

APPENDIX A Administrative Rules (Repealed)
EXHIBIT A Administrative Rule I (Repealed)
EXHIBIT B Administrative Rule II (Repealed)
EXHIBIT C Administrative Rule III (Repealed)
EXHIBIT D Administrative Rule IV (Repealed)
EXHIBIT E Administrative Rule V (Repealed)
EXHIBIT F Administrative Rule VI (Repealed)

AUTHORITY: Implementing Section 457 of the Internal Revenue Code (26 U.S.C.A. 457, 1986, as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 161, effective March 6,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 13, p. 7, effective March 19, 1979; amended at 3 Ill. Reg. 36, p. 436, effective August 29, 1979; amended at 4 Ill. Reg. 1, p. 45, effective December 26, 1979; amended at 6 Ill. Reg. 9655, effective July 23, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 10845, effective August 31, 1983; emergency amendments at 13 Ill. Reg. 629, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9308, effective May 31, 1989; emergency amendment at 17 Ill. Reg. 19976, effective November 2, 1993, for a maximum of 150 days; emergency expired April 2, 1994; amended at 18 Ill. Reg. 7224, effective May 2, 1994; amended at 21 Ill. Reg. _____, effective _____.

SUBPART D: PARTICIPATION IN THE PLAN

Section 2700.430 Maximum Deferment

a) The total amount of Deferred Compensation during any Plan Year shall not exceed:
   1) 33 1/3% of Includable Compensation (25% of taxable compensation), or the maximum dollar amount as defined by the Internal Revenue Service, and allowing changes based on the Consumer Price Index, ~~$7,500~~, whichever is less, or
   2) the maximum amount allowable during the "Catch-up" period.
b) In no event, however, can the maximum amount deferred exceed:
   1) $15,000 for any taxable year during which Catch-up is utilized, and
   2) an amount in excess of the amount of an Employee's Compensation per Pay Period less deductions for FICA, any other taxes, pension contributions and other mandatory deductions.
c) If an individual participates in two or more deferred compensation plans maintained by different employers, the maximum that may be deferred under all plans for a taxable year cannot exceed the maximum dollar amount as defined by the Internal Revenue Service, ~~$7,500~~, or, as applicable, the maximum permitted under the Catch-up provision.
d) If a Participant has deferred Compensation in excess of the maximum amount allowable, the Department shall withdraw and return to the Participant the excess amount deferred.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART G: DISTRIBUTIONS

Section 2700.700 Distribution Events

a) Distributions under this Plan will be made in accordance with the regulations under Section 401(a)(9) of the Code (26 CFR 54, 52 FR 28070, July 27, 1987). The provisions reflecting Section 401(a)(9) override any distribution options in the Plan inconsistent with

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 4.1(a)(9).

b) A Participant's Deferred Compensation Account may begin to be distributed 30 days after the date of one of the following events.
   1) Termination of Service,
   2) Death, or
   3) Delayed Distribution Date.

c) A Participant's Deferred Compensation Account may begin to be distributed as soon as possible but not later than 30 days after determination of an Unforeseeable Emergency by the Hardship Committee.

d) A Participant, with $3,500 or less in his or her Deferred Compensation Account, may elect to cash out the Account in compliance with conditions specified in Section 2700.735.

~~e~~d) No distributions will be made to a Participant who is employed as an independent contractor before a date which is at least 12 months after the day on which his or her employment contract expires. Should the independent contractor be re-employed by the State as either an Employee or independent contractor during the 12-month waiting period, no distribution will be started on the projected distribution date. If the contractor has attained age 70 1/2 at the time the contract is terminated, the 12 month waiting period is waived.

~~f~~e) Participants are responsible for notifying the Department of their Termination of Service.

~~g~~f) Beneficiaries are responsible for notifying the Department of the death of the Participant and supplying the Department with a certified copy of the Death Certificate.

~~h~~g) A Participant who does not receive the initial distribution until the calendar year following the year in which he or she reaches age 70 1/2 or separates, if he or she works past age 70 1/2, will receive at least two taxable distributions in the same year.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2700.720 Election of Delayed Distribution Date

a) Within 60 days after Termination of Service, a Participant may elect a Delayed Distribution Date. Participant's election becomes irrevocable after the 60 day election period expires.

b) The Delayed Distribution Date may be:
   1) A ~~a~~ specific future date,
   2) Normal Retirement Age.

c) In no case may a Participant elect a Delayed Distribution Date beyond age 70 1/2.

d) A Participant ~~or--Beneficiary~~ may elect to make a one-time change forward of the ~~a~~ Delayed Distribution Date provided that the election is made during the 30 day election period after the Delayed Distribution Date is reached ~~only once~~ and such election shall be irrevocable.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) In the event a Participant who has terminated State service and elected a Delayed Distribution Date returns to State employment prior to reaching the Delayed Distribution Date, the Delayed Distribution Date is effectively voided. Whether or not the Participant resumes deferrals shall not affect the nullification.

f) Neither a Participant who works past age 70 1/2, nor a participant with an account value less than $3,500, nor a Beneficiary may elect a Delayed Distribution Date.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2700.735 Distribution of Small Accounts

a) If a Deferred Compensation Account plus any uninvested deferrals on the date the Participant separates from State service (or dies) is equal to or less than $3,500, the Account shall be distributed in a lump sum on the next Accounting Date or, in the event of the participant's separation, transferred to another 457 Plan in accordance with Section 2700.730(a)(5).

b) If a Participant's Deferred Compensation Account is $3,500 or less, such Account may be distributed, in a lump sum on the next Accounting Date, to the Participant during employment provided the Participant has not contributed to the Account during the 2-year period ending on the date of the distribution. The cash-out provisions may be used only once by a Participant.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Rights and Privileges

2) Code Citation: 20 Ill. Adm. Code 525

3)

Section Numbers:	Proposed Action:
525.20	Amend
525.110	Amend
525.130	Amend
525.140	Amend

4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 3-7-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-2].

5) A Complete Description of the Subjects and Issues Involved: The Department was previously required by statute to provide committed persons with postage for three one-ounce first class letters per week. Due to the passage of Public Act 89-659, effective January 1, 1997, the Department will no longer provide such free postage. The rule needs to be amended to remove the previous statutory requirement and to make a provision for committed persons who are without funds to file grievances with the Administrative Review Board or to communicate with the Prisoner Review Board regarding their sentences or requests for clemency.

In addition, the current definition of legal mail regarding attorneys is being amended to remove Department attorneys from the definition of legal mail and to further clarify current definitions. Mail to and from Department attorneys will still be considered privileged mail. Visiting rules are also being clarified. Committed persons' visits, except privileged visits, are subject to monitoring and recording for safety and security reasons and the Department may restrict visits to non-contact visits.

6) Will this rulemaking replace any emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Donald N. Snyder, Jr., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666, extension 2082

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: The changes are necessary due to recent legislation.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 525
RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section
525.10 Applicability
525.12 Definitions
525.15 Responsibilities
525.20 Visiting Privileges
525.30 Clergy Visitation
525.40 Attorney Visitation - Adult and Community Services Divisions
525.50 Attorney Visitation - Juvenile Division (Court Agreement)
525.60 Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section
525.100 Applicability
525.110 Definitions
525.115 Responsibilities
525.120 Processing of Mail
525.130 Outgoing Mail
525.140 Incoming Mail
525.150 Telephone Privileges

SUBPART C: PUBLICATIONS

Section
525.200 Applicability
525.202 Definitions
525.205 Responsibilities
525.210 General Guidelines
525.220 Publications Review Committee
525.230 Appeal Process for Non-approved Publications

SUBPART D: MARRIAGE OF COMMITTED PERSONS

Section
525.300 Applicability
525.302 Definitions
525.305 Responsibilities
525.310 Request for Permission to Marry

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-7-4, 3-8-7, and 3-10-8 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-7-4, 3-8-7, and 3-10-8] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2, 3-7-1, and 3-7-4 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, and 3-7-4]. Subparts A and C are also implementing Consent Decrees (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977 and Green vs. Sielaff, #71 C 1403, N.D. Ill., 1973 and amended 1976).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 641, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: VISITATION

Section 525.20 Visiting Privileges

a) The Chief Administrative Officer of each correctional facility shall establish regular visiting hours.
   1) All rules and regulations pertaining to visiting shall be posted and made available to visitors and committed persons.
   2) Visitors who travel great distances to visit a committed person may request extended visits. These requests should be submitted sufficiently in advance to the Chief Administrative Officer for consideration.
   3) Visitors shall be subject to search in accordance with 20 Ill. Adm. Code 501.220.
   4) Visitors may be permitted to wear religious headgear if:
      A) There are no safety or security concerns; and
      B) The headgear has been removed and thoroughly searched; and
      C) The visitor has indicated that the headgear has religious significance; and
      D) Either:
         i) The headgear is a kufi, yarmulke, turban, habit, or fez; or
         ii) A written request to wear headgear other than those listed in subsection (a)(4)(D)(i) of this Section was submitted to the Chief Administrative Officer at least ten days prior to the visit and the Chief

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Administrative Officer approved the request. Failure to submit a timely request shall result in denial of the request.

5) All committed persons' visits shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made for confidential attorney visits or other privileged visits. For purposes of this Section, a privileged visit means any conversation or communication between visitors that is protected by a privilege of law or by decision, rule, or order of the Illinois Supreme Court. Notices stating that visits are subject to monitoring and recording shall be posted in places in which committed persons are normally permitted to visit and in the committed persons' orientation manual.

6) Visits may be restricted to non-contact visits by the Chief Administrative Officer for reasons of safety, security, and order. This may include, but not be limited to, restricting contact visits for committed persons known or believed to be engaged in gang activity.

b) At the time of admission to a reception and classification center, a committed person shall submit a list of proposed visitors to designated facility staff. A visiting list shall be established after verification, review, and approval by the Chief Administrative Officer. Permission to visit may be denied based on reasons that are reasonably related to legitimate penological concerns. Visitors must be approved in order to visit.

1) Department staff may interview or request background information from potential visitors to determine whether the individual would pose a threat to the safety or security of the facility or any person or to the order of the facility.

2) Visitors 12 years of age or older must be on the approved list in order to visit.

A) An individual 12 years through 16 years of age who is not a member of the committed person's immediate family may be on the approved list only with the written consent of his or her parent or guardian. Immediate family shall include children, brothers, sisters, grandchildren, whether step, adopted, half, or whole, and spouses.

B) When visiting, anyone under the age of 17 years must be accompanied by an approved visitor who is 17 years of age or older, unless prior written approval has been granted by the Chief Administrative Officer.

3) Visitors under 12 years of age need not be on the approved list in order to visit. However, such visits may only be permitted:

A) When accompanied by a parent or guardian who is an approved visitor;

B) When prior written consent has been given by a parent or guardian who is in the free community for the child to visit

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

when accompanied by an approved visitor designated in writing who is at least 17 years of age; or

C) As otherwise approved by the Chief Administrative Officer.

4) In determining whether an exception shall be granted pursuant to subsections (b)(2)(B) and (b)(3)(C), the Chief Administrative Officer may consider, among other factors, the proposed visitor's age, emancipation, and relationship to the committed person; whether a legal guardian has been appointed for the proposed visitor; the inability of an approved visitor to accompany the proposed visitor; and any applicable court order.

5) A proposed visitor who has been convicted of a criminal offense or who has criminal charges pending, including, but not limited to, an individual on bond, parole, mandatory supervised release, or probation or an ex-offender, may visit a committed person only with the written approval of the Chief Administrative Officer. In determing whether to approve or deny a request, the Chief Administrative Officer may consider, among other matters, the following:

A) The nature, seriousness, and the date of commission of the offense.

B) The proposed visitor's criminal history.

C) The proposed visitor's relationship to the committed person.

D) The date of discharge from parole, supervision, or probation or of completion of service of a term of incarceration.

6) The visiting list of a committed person may be amended at any time by the Chief Administrative Officer in accordance with this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.110 Definitions

a) "Chief Administrative Officer" means the highest ranking official of a correctional facility.

b) "Department" means the Department of Corrections.

c) "Deputy Director" means the highest ranking official of a division or bureau within the Department or the Chief Deputy Director of the Department.

d) "Director" means the Director of the Department of Corrections.

e) "Incoming privileged mail" means mail from the following:

1) The Director;

2) Deputy Directors and Assistant Deputy Directors of the Department;

3) Department attorneys;

~~4)~~ 3~~)~~ Members of the Administrative Review Board;

5)~~4)~~ Members of the Prisoner Review Board;
6)~~5)~~ The Governor of Illinois;
7)~~6)~~ Federal or Illinois legislators;
8)~~7)~~ Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
9)~~8)~~ John Howard Association; and
10)~~9)~~ Legal mail.

f) "Outgoing privileged mail" means mail to the following:
1) The Director;
2) Deputy Directors and Assistant Deputy Directors of the Department;
3) Department attorneys;
4)~~3)~~ Members of the Administrative Review Board;
5)~~4)~~ Members of the Prisoner Review Board;
6)~~5)~~ The Governor of Illinois;
7)~~6)~~ Federal or Illinois legislators;
8)~~7)~~ Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
9)~~8)~~ John Howard Association;
10)~~9)~~ Clerks of courts or of the Illinois Court of Claims; and
11)~~10)~~ Legal mail.

g) "Legal mail" means mail to and from the following:
1) Registered Attorneys, except Department attorneys;
2) The Illinois Attorney General;
3) Judges or magistrates of any court or the Illinois Court of Claims Judge; and
4) Any organization which provides direct legal representation to committed persons, but not including organizations which provide referrals to attorneys, such as bar associations.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 525.130 Outgoing Mail

This Section applies only to the Adult and Juvenile Divisions.

~~a) Committed persons shall be permitted to mail at State expense the equivalent of three one ounce, first-class letters to a destination within the continental United States each week. This allowance may not be transferred from one committed person to another, nor may it accumulate from one week to another.~~

a)~~b)~~ Committed persons shall be permitted to send privileged and

non-privileged ~~additional~~ letters at their own expense ~~if they have sufficient funds in their trust fund accounts and attach signed money vouchers to cover the postage.~~ Committed persons with insufficient money in their trust fund accounts to purchase postage shall be permitted to send reasonable amounts of legal mail and mail to clerks of any court or the Illinois Court of Claims, and to certified court reporters, to the Administrative Review Board, and to the Prisoner Review Board at State expense if they attach signed money vouchers authorizing deductions of future funds to cover the cost of the postage. ~~All other privileged and non-privileged mail will be sent only if the committed person has sufficient funds to pay the postage.~~

b)~~c)~~ Committed persons must clearly mark all outgoing mail with their name and in the Adult Division with their institutional number. Mail that is not properly marked, including privileged mail, shall be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.

c)~~d)~~ Outgoing privileged mail must be clearly marked as "privileged" and sealed by the committed person. Outgoing mail which is clearly marked as privileged and addressed to a privileged party may not be opened for inspection except as provided in subsection (d) ~~(e)~~ of this Section.

d)~~e)~~ In the Adult Division, outgoing privileged mail shall be examined for dangerous contraband, using an x-ray, fluoroscope, or other similar device. Such examination may be conducted in the Juvenile Division. Outgoing privileged mail may be inspected for dangerous contraband by other means which do not damage the mail and which do not permit the mail to be read. Except in an emergency, outgoing privileged mail shall not be opened, unless there is reasonable suspicion that dangerous contraband is contained therein, legal services is consulted, and the mail is opened in the committed person's presence.

e)~~f)~~ With the exception of privileged mail, all mail shall be unsealed when collected or placed in housing unit mailboxes. Sealed mail that is not privileged will be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.

f)~~g)~~ Each correctional facility shall establish procedures for the collection of outgoing mail. Collections shall be made daily, Monday through Friday, except on State holidays. Every effort shall be made to ensure that mail is delivered to the U.S. Postal Service on the same day.

g)~~h)~~ Outgoing non-privileged mail shall be inspected for contraband. If a letter from a committed person is confiscated because it contains contraband, the committed person shall be notified promptly in writing.

h)~~i)~~ Department employees may spot check and read outgoing non-privileged mail. Outgoing non-privileged mail or portions thereof may be reproduced or withheld from delivery if it presents a threat to

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

security or safety, including the following:

1) The letter contains threats of physical harm against any person or threats of criminal activity;
2) The letter contains threats of blackmail or extortion;
3) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;
4) The letter is in code and its contents cannot be understood by correctional staff;
5) The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules;
6) The letter solicits gifts, goods, or money from other than family members;
7) The letter contains information which, if communicated, might result in physical harm to another;
8) The letter contains unauthorized correspondence with another committed person; or
9) The letter or contents thereof constitute a violation of State or federal law.

i)~~j)~~ Any outgoing letter may be stopped and returned to the sender if the person to whom it is addressed (or a parent or guardian, if the addressee is a minor or incompetent) has notified the Chief Administrative Officer in writing that the person does not wish to receive mail from the committed person. This rule shall not be construed to prevent committed persons from corresponding with their children unless their parental rights have been terminated.

j)~~k)~~ If a committed person is prohibited from sending a letter or portions thereof, the committed person shall be informed in writing of the decision.

k)~~l)~~ Material from a letter which violates subsection (h) ~~(i)~~ of this Section may be placed in a committed person's master file.

l)~~m)~~ Committed persons may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 525.140 Incoming Mail

a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title, and address of the sender.
b) Incoming privileged mail may be opened in the presence of the committed person to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.
c) Incoming privileged mail may contain communications only from the

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.

d) All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
e) Cashier's checks, money orders, and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the committed person's trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency's or firm's account and any check written on an employer's personal account for wages due a person assigned to the Community Services Division. Committed persons shall be notified of all monies received and deposited in their trust fund accounts. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender, and the committed person shall be notified.
f) Personal checks and cash shall be returned to the sender, and the sender shall be notified that funds cannot be received in that form.
g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced, or withheld from delivery for any of the reasons listed in Section 525.130(h)~~(i)~~ of this Subpart or if determined to be obscene by the Publications Review Committee in accordance with Subpart C of this Part.
h) When a committed person is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.
i) If a committed person has been transferred or released, first class mail shall be forwarded to the person if the address is known. If no forwarding address is available, the mail shall be returned to the sender.
j) If a committed person has been absent from the facility on a furlough or pursuant to writ, the person's mail shall be held at the facility for a period of one month, unless the committed person has made a written request to the Chief Administrative Officer to have the mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the committed person's address, if known, or returned to the sender, unless alternative arrangements have been made.
k) Committed persons may receive publications, including books, periodicals and catalogs, in accordance with Subpart C of this Part, and may receive typewriters ordered directly from a supplier through the commissary. Other packages may be received only as approved by the Chief Administrative Officer. All packages shall be opened and searched prior to delivery.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils

2) Code Citation: 41 Ill. Adm. Code 180

3) Section Numbers: 180.20 — Proposed Action: Amendment

4) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Office is updating Part 180 to increase the maximum allowable storage capacity of aboveground fuel storage tanks intended to be used for dispensing fuel into private vehicles.

Currently, Part 180.20 restricts the maximum allowable storage capacity for an aboveground fuel-dispensing storage tank to 2,500 gallons. The rules further restrict any facility to a maximum of two such storage tanks, resulting in a maximum facility storage capacity of 5,000 gallons.

The amendment is being proposed as a result of numerous comments/petitions to the agency from current and potential aboveground tank owners requesting an increase in the maximum capacity of aboveground "dispensing" storage tanks. Arguments have been presented that, in order for owners to take advantage of the "economies of scale" realized by the allowable delivery of a full tank truck of fuel, the current 2,500 gallon limit on the capacity of aboveground fuel dispensing storage tanks needs to be increased. Fuel tank trucks of approximately 8,000 to 10,000 gallons in capacity are common, and the allowance for 12,000 gallon capacity storage tanks would allow delivery of "full loads" to an individual facility.

Current rules allow for such aboveground storage for purposes of dispensing fuel into motor vehicles at agricultural, commercial, industrial, governmental and manufacturing facilities, and construction sites. Also, airports are allowed such aboveground fuel storage for purposes of fueling aircraft only. Fuel dispensing from such aboveground tanks is allowed only for the fueling of vehicles used "in connection with their business" and not on a retail basis, or facilities open to the public. The Section of the rules applicable to airports, having been adopted last year, already allows for 10,000 gallon capacity storage tanks.

Since the Office of the State Fire Marshal first allowed fuel to be dispensed from aboveground storage tanks in 1989, the agency has received no reports of life safety or fire safety threatening consequences. Local authorities have, and will continue, to be allowed to prohibit such installations, or limit aboveground storage tank size to lower quantities within their jurisdictions.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

The agency is proposing no change to the rules governing the application or on-site inspection procedures required to install and operate such an aboveground fuel dispensing storage tank. Such sites will continue to be required to submit plans and applications for the installation to the Office of the State Fire Marshal. Furthermore, an on-site inspection and approval by the Office of the State Fire Marshal is required to operate such tanks. Notification is, and will continue to be, made to the local fire authority having jurisdiction over the installation site in order to ensure their knowledge of such aboveground tank installations.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not expand a mandate upon local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W, Randolph Street, Suite 11-800
Chicago, IL 60601
312/814-2693

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those installing, operating or owning aboveground fuel storage tanks for purposes of dispensing fuel into their own fleet of motor vehicles, on a non-retail basis. (The proposed amendment modifies current rules to allow for greater storage capacity in aboveground fuel dispensing storage tanks.)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the proposed rule amendments will be determined by inspections conducted by fire prevention inspectors of the Office of the State Fire Marshal. Compliance is currently determined in this manner. The proposed amendments contain no changes to the method of enforcement of the rules, but simply change the maximum allowable storage capacity of the aboveground fuel storage tanks.

C) Types of professional skills necessary for compliance: The amendments propose no change to the qualifications required to perform work on, or related to, aboveground fuel storage tanks.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The agency did not receive the public request for this change until recently.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 180
STORAGE, TRANSPORTATION, SALE AND USE OF
GASOLINE AND VOLATILE OILS

Section
180.10 Definitions
180.15 Incorporation of National Standards
180.20 Aboveground Storage - Dispensing
180.21 Dispensing Tank Connected by Associated Piping to a Bulk Tank
180.22 Retail Dispensing from Aboveground Tanks at Airports
180.23 Fueling of Aircraft from Tank Trucks
180.25 Home Rule Modification of Aboveground Storage -- Dispensing (Emergency Expired)
180.30 Gasoline Containers Must Be Red
180.40 Industrial and Commercial Use
180.50 Use Within Buildings Restricted
180.60 No Pouring Into Sewers
180.70 Storage in Public Buildings Restricted
180.80 Use in Starting Fires
180.90 Keep Fire Away
180.100 Heating and Lighting Appliances
180.150 Dry Cleaning Plants
180.200 Oil Burning Equipment

AUTHORITY: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Gasoline and Volatile Oils - General Rules, filed July 10, 1958; amended July 23, 1965 and April 14, 1977; codified at 5 Ill. Reg. 10695; emergency amendment at 8 Ill. Reg. 24744, effective December 7, 1984, for a maximum of 150 days; emergency expired May 6, 1984; amended at 9 Ill. Reg. 12719, effective August 12, 1985; emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 14978, effective September 7, 1989; amended at 20 Ill. Reg. 4711, effective March 11, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 180.20 Aboveground Storage - Dispensing

a) Storage of Class I, II or III liquids (except kerosene) shall be in accordance with 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170 except aboveground storage for dispensing may occur at the following facilities under the following circumstances:
   1) Agricultural storage, which is limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

   2) Storage at commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business;
   3) Storage at construction sites for refueling construction equipment; or
   4) Storage at airports as addressed in Section 180.22 of this Part.

b) Dispensing at the facilities specified in subsection (a)(2) or (3) of this Section shall only be in accordance with the following:
   1) An inspection of the premises and operations has been made and approval granted by the Office of the State Fire Marshal (approval shall be granted if curb pumps are not present and if pumps are not located in any portion of a public roadway);
   2) The dispensing is done on premises not open to the public;
   3) The tanks are safeguarded against collision, spillage or overfill to the satisfaction of the authorities having jurisdiction;
   4) Each tank system is listed or approved for such aboveground use by the Office of the State Fire Marshal; in granting such approval, the Office shall consider the following elements:
      A) leaks;
      B) compatibility of the tank and line with the product contained in the tank;
      C) whether any equipment has been recalled by the manufacturer;
      D) whether wiring at the dispensing location is in a rigid metal conduit within a radius of 30 feet and is otherwise in compliance with the National Electric Code (NFPA 70) 1987 (no subsequent dates or editions); and
      E) whether the dispensing location has seal-offs at all connections;
   5) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
   6) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation. The vent shall have a minimum unobstructed opening of one and one-half inches in diameter and the vent shall be elevated to a height of at least 4 four feet (unless directed in writing by the Office of the State Fire Marshal to a greater height, based on construction characteristics of the tank and fire safety considerations) or unless approval in writing for a lower height is granted by the Office of the State Fire Marshal, based upon construction characteristics of the tank in question or unique physical conditions that prevent a vent of that height from being installed;
   7) Tanks shall be equipped with a permanently connected pumping device listed by Underwriters Laboratories (UL) (as printed on page 4 of the Fire Protection Equipment Directory published by Underwriters Laboratories, January 1988 (no subsequent dates or editions)) or FM Engineering (as printed on page ii of the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Factory Mutual System Approval Guide 1989 published by Factory Mutual Research Corporation, 1989 (no subsequent dates or editions)). The pump shall be equipped with a padlock to prevent tampering. An antisiphoning device shall be included in the pump discharge and siphons or internal pressure discharge devices are prohibited. Gravity method of discharge is prohibited;

8) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY", both in letters at least 4 ~~four~~ inches high and in contrasting color from the tank on which they are marked;

9) Except as provided in Section 180.22 of this Part, a maximum of two aboveground tanks per facility of up to 12,000 ~~2,500~~ gallons each shall be allowed for storage of flammable or combustible liquids, provided such liquid is stored outside buildings in a tank(s) constructed throughout of steel and made vapor tight (as determined by such tests as a pressure test and volumetric test). Tanks shall be designed and constructed according to standards specified in 41 Ill. Adm. Code 160.15, 160.70-160, 160.80-240; and

10) Tanks shall be kept outside and at least 30 feet from any building or combustible or flammable stored liquid or liquid petroleum and shall be so located, or such additional distance to buildings shall be provided, to insure that no vehicle, equipment or vessel being filled directly from any such tank shall be closer than 30 feet to any building, combustible or flammable stored liquid, liquid petroleum (LP) gas tank or property lines, except that a tank protected within a two-hour fire resistant enclosure (the time, in minutes or hours, that materials or assemblies have withstood a fire exposure as established in accordance with the test procedures of NFPA 251, Standard Methods of Fire Tests of Building Construction and Materials, 1985 (no subsequent dates or editions)) may be located adjacent to a structure after a request in writing to construct such an enclosure has been submitted to the Office of the State Fire Marshal and the Office has issued an approval in writing.

c) Dispensing at facilities specified in subsection (a)(1) of this Section shall only be in accordance with the following:

1) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;

2) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation; such vent shall have a minimum unobstructed opening of 1.5 ~~one-and-one-half~~ inches in diameter;

3) Tanks shall be equipped with a permanently connected pumping device; the pump shall be equipped with a padlock to prevent tampering; an effective antisiphoning device shall be included in the pump discharge; and siphons or internal pressure discharge devices are prohibited;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

4) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "FLAMMABLE -- KEEP FIRE AND FLAME AWAY", both in letters at least 4 ~~four~~ inches high and in contrasting color from the tank on which they are marked; and

5) A maximum of two aboveground tanks per facility of up to 12,000 ~~2,500~~ gallons each shall be allowed for storage of flammable or combustible liquids, provided any such liquid is stored outside buildings in a tank constructed throughout of steel and made vapor tight.

d) Storage of kerosene inside buildings.

1) At a facility, for personal or private use, a maximum of 12 gallons of kerosene inside buildings may be stored aboveground in containers which meet the requirements of NFPA 30 (Flammable and Combustible Liquids Code) (1987).

2) Sixty gallons or less may be stored in an aboveground tank at a facility for retail trade within a building, providing storage is in compliance with the following:

A) Storage is in a tank of at least 14 gauge steel or aluminum;

B) Tank shall sit in a metal pan extending at least eight inches beyond the sides and rear of the tank and 18 inches beyond the front;

C) The tank shall be located on the first floor in an area supplied with natural light and ventilation;

D) The room or area where the tank is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test) (1989);

E) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the kerosene;

F) The tank shall be blue in color and marked with the word "Kerosene" in letters at least 2.5 ~~two-and-one-half~~ inches high in contrasting color.

3) Sixty gallons or less may be stored in a metal drum at a facility for retail trade within a building, providing storage is in compliance with the following:

A) The metal drum shall be stored in a storage cabinet that meets the requirements of 49 CFR Chapter I (1987);

B) The storage cabinet shall sit in a metal pan extending at least 8 ~~eight~~ inches beyond the sides and rear of the storage cabinet;

C) The room or area where the storage cabinet is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot

air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test) (1989); and

D) The design and construction of storage cabinets, except as otherwise provided in this subsection (d)(3), shall be in compliance with 4-3 of NFPA 30 (Flammable and Combustible Liquids Code) (1987).

4) Factory-sealed containers of 1-K grade kerosene may be stored at a facility for retail trade within a building in compliance with ASTM F 976-86 (Portable Kerosene Containers for Consumer Use) (1986) and 4-5.5 of NFPA 30 (Flammable and Combustible Liquids Code) (1987).

e) Storage of kerosene outside buildings shall be in accordance with 41 Ill. Adm. Code 160 and 170, except a maximum of 550 gallons of kerosene may be kept aboveground at a facility (including at service stations) in a tank or tanks of 550 gallons or less capacity under the following conditions:

1) When located at a service station, the dispensing tank shall be in a location at least 8 ~~eight~~ feet away from driveways and other areas used by vehicles for customers or to deliver products;

2) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the product;

3) The tank shall be a skid tank or on a noncombustible base and the area under the tank and for 24 inches in all directions shall be either paved or covered with gravel and kept free of vegetation and combustible material;

4) The tank shall be blue in color and marked with the word "Kerosene" in letters at least 2.5 ~~two-and-one-half~~ inches high in a contrasting color;

5) The dispensing nozzle or spigot of the tank shall be locked when the kerosene is not being dispensed; and

6) The kerosene may only be dispensed by the owner, lessor or lessee of the facility, or their employees; no self-service of kerosene from an aboveground tank shall be allowed.

f) Kerosene Labeling.

1) A sign with the following caution shall be posted at the point of sale and the dispensing point: "Caution Portable Unvented Kerosene Heaters Must Only Be Fueled With Grade 1-K Kerosene." This sign shall be of all-weather material and not less than 12" x 18" in size with letters at least one inch high on a contrasting background; and

2) Where other grades of kerosene than 1-K are offered for sale, the grade of kerosene shall be identified at the point of sale or dispensing.

g) Any spill of Class I, II or III liquids in excess of 25 gallons at any facility at which they may be dispensed pursuant to this Section shall

be reported to the Illinois Emergency Management Agency within 24 hours after such spill.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code Citation: 41 Ill. Adm. Code 170

3)

Section Numbers:	Proposed Action:
170.150	Amendment
170.310	Amendment

4) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Office is updating Part 170 to: (1) recognize updated editions of standards referenced by the rules from the National Fire Protection Association and Underwriters Laboratories; (2) allow the permitting of unattended self-service stations in counties with greater than 1,000,000 population; and (3) recognize, within Section 170.150, the existence of unattended self-service station permits.

The amendment is being proposed as the result of several issues:

Section 170.150 currently prohibits the dispensing of fuels by other than the owner or employee of the owner of a service station, unless that station holds a valid self-service permit issued by the Office of the State Fire Marshal. The Section does not address the fact that, since 1987, unattended self-service facilities have been permitted to operate in Illinois if holding a valid unattended self-service permit from the Office of the State Fire Marshal. The proposed changes will recognize the process defined within Section 170.310 for operation of an unattended self-service gasoline station.

Part 170.310 currently references several published standards of the National Fire Protection Association and Underwriters Laboratories. The referenced standards are updated and re-published by these organizations on a regular basis. The Office of the State Fire Marshal has not, however, updated the editions referenced by Section 170.310 since the original adoption of the rules in 1987. Some of the referenced standards have changed titles and/or numbers, or were improperly referenced originally. Others are no longer in print, and thus are unavailable to the general public. The proposed amendment, therefore, seeks to ensure that the correct standards, including the latest published editions of the standards, are being referenced.

The proposed amendments also serve to recognize that fuel dispensing nozzles at sites required to be equipped with fuel vapor-recovery equipment, by virtue of their design, may need to be exempted from certain

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

previously required criteria, including the requirement for the existence of a spring and/or wire to hold dispensing nozzles in gas tanks while fueling.

Part 170.310 also prohibits the permitting of an unattended self-service station in counties with populations of greater than 1,000,000. (As of this date, only Cook County in Illinois has a population of greater than 1,000,000.) It is unclear why this prohibition was originally included in Part 170.310. One possibility is an effort to limit the location of unattended facilities to primarily rural areas over concerns that fire incidents at such facilities would present exposure problems to adjacent buildings. Since allowing the operation of unattended self-service stations in 1987, the OSFM has had no record of a fire emergency at any permitted unattended self-service station. The OSFM cannot, therefore, justify the prohibition of an unattended self-service station within a county of greater than 1,000,000 population, based on fire occurrence or fire loss statistics relative to such permitted facilities elsewhere.

Also, the current rules raise obvious problems relative to growing population of counties where unattended self-service stations are currently permitted. The Office of the State Fire Marshal has issued permits for the operation of unattended self-service stations in counties where the population will soon challenge the 1,000,000 mark, specifically in Dupage and Lake Counties of Illinois. In accordance with the current rules, permitting, and therefore operation of, such unattended service stations in counties of greater than 1,000,000 population is prohibited. The agency would therefore be faced with the possibility of revoking permits to operate such unattended self service stations from facilities that have exhibited no fire safety violations or hazards, simply by virtue of the increased population of the county in which they are located.

The agency is therefore proposing to remove the prohibition against the operation of such unattended self-service station facilities in counties with populations of greater than 1,000,000. It should be noted that local enforcement agencies will retain the right to promulgate local rules continuing to prohibit the operation of such unattended self-service stations within their jurisdiction should they deem it necessary.

Finally, the OFSM is proposing to modify the language of Section 170.310(a)(4)(B) pertaining to the requirement for installation of a fire detection system combined with portable fire extinguishers as an alternative to a fire suppression system at an unattended self-service station. The proposed amendments serve to better recognize current fire protection design methods, and specifically to recognize that a full weather enclosure or canopy may not be required to ensure proper detection system operation, if documentation is submitted relative to the design of the detection system.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No. The proposed amendments update references to the current editions of several previously referenced standards published by the National Fire Protection Association and Underwriters Laboratories, but do not propose to incorporate any other standards.

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not expand a State mandate upon local governments, small municipalities or non-profit organizations. The amendment does allow the establishment of unattended self-service stations in counties with populations of greater than 1,000,000, thus allowing their establishment in Cook County where such facilities are currently prohibited. The Office of the State Fire Marshal intends to inspect all unattended self-service stations in Cook County as it does currently in all other locations. Local regulations pertaining to such facilities, if adopted, will continue to be concurrently enforceable.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

Comments received within 45 days after the date of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Unattended self-service stations

B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the proposed rule amendment is to be determined by inspections conducted by fire prevention inspectors of the Office of

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

the State Fire Marshal. Compliance is currently determined in the same manner in all counties where unattended self-service stations are permitted. The proposed amendment contains no changes to the method of enforcement of the rules, but simply serves to allow the establishment and operation of such facilities in counties with populations of greater than 1,000,000, while updating referenced standards currently contained within the rules.

C) Types of professional skills necessary for compliance: None. The amendments propose only minor changes to the fire protection and safety requirements for operation of an unattended self-service station. The amendment will allow the location of such facilities in counties with populations greater than 1,000,000 where they have previously been prohibited.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The amendment is being proposed as the result of the Office of the State Fire Marshal's need to address issues brought to the attention of the agency by proprietors of unattended self-service stations. Specifically, the agency has denied permits to multiple unattended self-service stations, based not upon fire safety issues, but simply as the result of their location within a county of greater than 1,000,000 population, as is currently prohibited by rule. The rule amendment is being proposed to avoid possible legal action against the agency relative to this issue.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170
STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM AND OTHER REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section
170.10 Definitions
170.11 Incorporation of National Standards
170.15 Bulk Sales Prohibited
170.20 Storage Underground and Limited (Repealed)
170.30 Setting of Tanks (Repealed)
170.40 Clearance Required for Underground Tanks (Repealed)
170.41 Location (Repealed)
170.50 Material and Construction of Tanks (Repealed)
170.60 Venting of Tanks (Repealed)
170.65 Underground Tank Installations (Repealed)
170.70 Fill Pipes (Repealed)
170.71 Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72 Late Registration Fee (Repealed)
170.75 Abandonment of Underground Storage Tanks (Renumbered)
170.76 Leaking Underground Tanks (Repealed)
170.80 Unloading Operations
170.90 Pumps (Repealed)
170.91 Labeling of Containers and Pumps
170.100 Piping (Repealed)
170.105 Approval of Plans (Repealed)
170.106 Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107 Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108 Pressure Testing (Repealed)
170.110 Building
170.115 Safe Heat Required
170.120 No Flammable or Combustible Liquids Within Building - Exception
170.130 Greasing Pits
170.140 Wash and Greasing Rooms
170.145 Fire Extinguishers
170.150 Self-Service - No Self-Service Without Permit; Procedures and Regulations
170.160 Care and Attendance
170.170 Fire Extinguishers (Repealed)
170.180 Sale of Fireworks

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

170.190 Approval of Plans (Repealed)
170.200 Defective Equipment
170.210 Deliveries from Portable Tanks Restricted
170.310 Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

Section
170.400 Definitions
170.410 Incorporations by Reference
170.411 USTs Out of Operation One Year
170.412 Delegation of Authority to Enforce UST Rules and Regulations
170.420 Design, Construction, Installation and Notification of New UST Systems
170.421 Piping
170.422 Clearance Required for Underground Storage Tanks
170.423 Pressure Testing
170.424 Venting of Tanks
170.425 Fill Pipes
170.426 Pumps
170.427 Defective or Non-Compliant Equipment
170.428 General Requirements for UST Fuel Dispensing Systems
170.430 Upgrading of Existing UST Systems
170.431 Limitation on Interior Lining of USTs
170.440 Notification Requirements for Purposes of UST Registration
170.441 Payment of 1988 Annual UST Fee
170.442 UST Registration Fees
170.450 Spill and Overfill Release Control
170.460 Operation and Maintenance of Corrosion Protection
170.470 UST Compatibility with Product Stored
170.480 Repairs Allowed
170.481 Emergency Repairs
170.490 Reporting and Recordkeeping
170.500 General Release Detection Requirements for All UST Systems
170.510 Release Detection Requirements for Petroleum UST Systems
170.520 Release Detection Requirements for Hazardous Substance UST Systems
170.530 Methods of Release Detection for Tanks
170.540 Methods of Release Detection for Piping
170.541 Installer, Repairer, Reliner or Remover of USTs and Obtaining Permits
170.542 Site Plans
170.543 Notification and Establishment of a Date Certain for Underground Storage Tank Activity
170.544 Tester of Underground Storage Tanks and Cathodic Protection
170.545 USTs Inside or Under Buildings
170.546 UST Restrictions at Service Stations
170.550 Release Detection Recordkeeping
170.560 Reporting of Suspected Releases
170.570 Investigation Due to Off-Site Impacts

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

170.580 Release Investigation and Confirmation Steps
170.590 Reporting and Cleanup of Spills and Overfills
170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances
170.610 Initial Abatement Measures and Site Assessment
170.620 Temporary Out-of-Service Status for UST Systems
170.630 Change-in-Service of UST Systems
170.640 Assessing the Site at Removal or Change-in-Service of UST Systems
170.650 Applicability to Previously Removed UST Systems
170.660 Removal or Change-in-Service Records
170.670 Removal or Abandonment-in-Place of Underground Storage Tanks
170.672 Pre-'74 and Heating Oil USTs

SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

Section
170.700 Definitions
170.705 Incorporation by Reference
170.710 Applicability
170.720 Amount
170.730 Mechanisms of Financial Responsibility
170.740 Proof of Financial Responsibility
170.750 Substitution of Financial Responsibility Mechanisms by an Owner or Operator
170.760 Cancellation or Non-Renewal by a Provider of Financial Assurance
170.770 Reporting by Owner or Operator
170.780 Recordkeeping
170.790 Release from the Requirements
170.795 Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS--ADMINISTRATIVE PROCEDURE RULES FOR ORDERS ISSUED BY THE DIVISION OF PETROLEUM AND CHEMICAL SAFETY

Section
170.800 Definitions
170.810 Grounds and Time for Appeal
170.820 Notice of Hearing
170.830 Appearances
170.840 Official Notice
170.850 Authority of Hearing Officer
170.860 Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST) (Repealed)
170.870 Briefs
170.880 Transcripts
170.890 Order of the State Fire Marshal

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

170.900 Authority to Enforce Administrative Orders and Assess Fines
170.910 Suspension or Revocation of the License of a Contractor and Assessment of Fines Against a Contractor or Employee of a Contractor for Violations of Subpart B or E
170.920 Assessment of Fines Against Non-Contractors for Violations of Subpart B
170.930 Assessment of Fines Against an Owner, Operator or Provider for Violations of Subpart C
170.940 Hearing Officer Guidelines for Suspension, Revocation or Assessment of Fines

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

Section
170.1000 Definitions
170.1100 Contractor Licensing
170.1200 Contractor and Employee Certification
170.1300 Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors
APPENDIX A Checklist for Underground Storage Tank Installation
APPENDIX B Checklist for Underground Storage Tank Reline
APPENDIX C Checklist for Underground Storage Tank Removal
APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks
APPENDIX E Guidelines for Marinas

TABLE A Schedule for Phase-in of Release Detection
TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: MISCELLANEOUS

Section 170.150 Self-Service -- No Self-Service Without Permit; Procedures and Regulations

a) Except at service stations which hold a current and valid self-service permit ~~permits~~ issued pursuant to subsection ~~Subsection~~ (c) of this Section by the State Fire Marshal, or a current and valid unattended self-service permit issued pursuant to Section 170.310 by the State Fire Marshal, no person other than an owner of a service station, or an employee of such owner, shall use or operate any motor fuel dispensing equipment at any service station. No owner of a service station shall permit any person to violate the provisions of this rule.

b) Definitions -- As used in this Part, the terms specified in this paragraph have the meanings ascribed to them in this paragraph:

1) The term "service station" means any place of business where Class I, II or III liquids or other fuels are sold or offered for sale at retail, or dispensed into the fuel tanks of motor vehicles or internal combustion engines or portable containers.

2) The term "self-service station" shall mean that portion of property of a service station where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant.

3) The term "self-service dispensing device" means any device for the dispensing of Class I, II or III liquids into the fuel tanks of motor vehicles.

4) The term "owner" shall mean any individual(s) or legal entity holding title, lease, license or any interest in a service station or self-service station. The legal name, residence, address and county of any individuals who are owners shall be filed with the Office of the State Fire Marshal.

5) The term "attendant" shall mean the owner or any person who is employed by an owner of a service station to dispense motor fuel at such service station.

c) Self-Service Station Permits

1) Self-service station permits shall be issued by the Office of the State Fire Marshal, upon written application on forms established by the Office, accompanied by complete, detailed plans, in triplicate, for each service station sought to be used for self-service showing compliance with 41 Ill. Adm. Code 160, 170, 180 and 100. Such plans shall be drawn to scale, and shall

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

include the following:

A) Lot lines and dimensions.

B) Building lines and dimensions.

C) Location and size of tanks and pump island.

D) Location of control station.

E) Type, make, model and location of dispensing devices or equipment.

F) Fire extinguisher locations.

G) Clearances.

2) No construction of a self-service station or modification of an existing service station to conduct self-service business shall be commenced until such application and plans are given written approval by the Office of the State Fire Marshal. No such station shall open for business until inspected and approved by the Office of the State Fire Marshal, and until the Office of the State Fire Marshal issues a self-service station permit, which must be prominently displayed at all times at such self-service station. Approval for self-service will be granted upon compliance with all rules and regulations in 41 Ill. Adm. Code 100, 160, 170 and 180.

d) The following rules shall be followed at all self-service stations, and violation of any said rules shall constitute good and just cause for suspension or revocation of a self-service station permit by the State Fire Marshal:

1) All self-service dispensing devices which are available for public use must be under the control of an attendant at all times except as allowed in subsection ~~Section 170.150~~ (d)(3) of this Section (Fleet Operations).

2) No new dwelling unit or sleeping facilities of any kind for the owner, attendant or any person shall be permitted at a self-service station. This does not include dormitory facilities for use of drivers at truck stops, provided that such dormitories are in compliance with the applicable provisions of 41 Ill. Adm. Code 100. If the building under which lies a basement, cellar or excavation is removed, the basement, cellar or excavation shall be filled in prior to construction of any new building over the basement, cellar or excavation.

3) Dispensing of Class I, II or III liquids at locations not open to the public does not require an attendant or supervisor. Such locations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business (such as fueling of delivery trucks). However, this shall not include private fraternal clubs or associations. Vehicles served by these unattended self-service facilities must have common or corporate ownership with the service station and must be fueled by employees of the business owning such facility or vehicle to comply with this rule.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

4) Dispensing devices for motor fuel shall not be installed, modified or used without prior written approval of the Office of the State Fire Marshal. Approval will be granted upon proof of meeting the requirements of this part. Dispensing devices may be modified provided that the modifications made are in compliance with this part. Modification proposals shall contain a description of the components to be used in the modification and the recommended methods of installation on specific dispensers and it must be made available to the Office of the State Fire Marshal prior to installation.

5) All dispensing of Class I, II or III liquids, by a person other than the service station attendant, must be under the supervision and control of an attendant. Unattended card, key, or code operated devices are prohibited at service stations open to the general public, and not designated as fleet self-service.

A) The dispensing nozzle must be an automatic closing type which has been tested and meets the requirements of Underwriter's Laboratories Standard #842 (1982).

B) Any self-service dispensing devices equipped with pre-pay capability in which the flow of product is normally stopped by means other than by the closure of the nozzle valve shall further comply with either one of the following:

i) The system shall be provided with equipment with a feature that causes or requires the closing of the nozzle valve before product flow may be resumed or before the nozzle can be replaced in its normal position in the dispenser, or

ii) the nozzle valve latch-open device shall be removed.

6) Rebuilt hose nozzles may be used on approved dispensing devices provided they meet UL 842 (1980).

7) It shall be the responsibility of the attendant:

A) To carefully observe the dispensing of Class I liquids into portable containers,

B) Control sources of ignition,

C) Immediately notify local fire authorities of any product spilled,

D) Eliminate ignition sources,

E) Take other appropriate actions to prevent ignition of accidental spills,

F) To refuse service to any customer who appears to lack the ability to properly and safely utilize the equipment (e.g., intoxication), inability to place the nozzle in the gas tank receptacle, inability to follow written or oral instructions of the attendant, and whether the person is too young to be aware of the hazards and safe dispensing of motor vehicle fuels,

G) Inspect all portable containers for conformance to Illinois Statutes and these rules.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

i) All portable containers for gasoline or benzol used in the retail trade, shall be red and shall be labeled "gasoline" or "benzol" as the case may be, in letters of a height of not less than one-half inch, and it shall be unlawful in such retail trade, or anything pertaining thereto to put gasoline or benzol into portable containers of any other color than red and not labeled as required by these rules or to use portable containers not complying with these rules.

ii) No person shall put any other liquids or oils except gasoline or benzol in such containers used for gasoline or benzol, or such containers as are painted red.

iii) Kerosene must be placed in blue containers, and no other products may be placed in blue containers.

H) When dispensing Class I, II, or III liquids into portable containers, the following precautions shall be observed:

i) Containers shall not be filled while located inside the passenger compartment or trunk of a vehicle.

ii) Hose nozzle valves shall be manually held open during the dispensing operation and hold open devices shall not be used.

I) An approved portable container for Class I liquids shall be any container which meets the specifications of Underwriters Laboratories Standard #30 (1983) or which has been tested and has met the test criteria of ANSI-ASTM D3435-83 (1983) and all other ANSI-ASTM tests referred to therein, documentation of such testing and the results thereof must be submitted by the manufacturer to the Office of the State Fire Marshal for approval, before such portable containers may be marketed or used in the State of Illinois.

8) Two 4A:60BC rated fire extinguishers shall be provided. One shall be located at or near the control station and the other readily available for emergencies. Such extinguishers shall be plainly marked, be protected from the weather, and be maintained in operable condition and available at all times when the self-service station is open to the public. Such fire extinguishers shall carry the testing and listing label of Underwriters Laboratories, Factory Mutual Engineering, or the United States Coast Guard for their intended use. All employees of the self-service station shall be thoroughly instructed as to the location and proper use of such extinguishers, and shall, upon request, demonstrate their ability to use the extinguishers to representatives of the Office of the State Fire Marshal.

9) Signs, giving instructions for the operation of gasoline equipment, must be conspicuously posted on each gasoline pump island where self-service is offered:

A) Self-Service Island "Warning":

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

B) "Stop Engine";
C) "No Smoking";
D) "It is unlawful and dangerous for anyone to dispense gasoline into unapproved containers";
E) "It is unlawful and dangerous to dispense gasoline without an attendant on duty".

10) The signs shall be made of all-weather rigid material and the lettering shall be not less than 1" high, the sign shall be not less than 6" high and 12" long, mounting and location of said sign shall be such as to be clearly visible to all self-service patrons.

11) All fuel dispensing units shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.

12) Every self-service station shall maintain a control station in a location readily accessible to the attendant, equipped in such manner that the flow of liquid fuel from any or all fuel dispensing units may be stopped from such control station.
A) The control station shall include a master electrical switch that can disconnect the electrical power to all of the pumps and the pump lighting at one time.
B) The master electrical switch may be located inside or outside and not more than 100 feet from the furthest pump.
C) The master electrical switch shall be in a position to give the attendant a clear, unobstructed view of the dispensing area; it shall be plainly marked and easily accessible.
D) The attendant shall at all times be able to communicate with persons in the dispensing area. For distances greater than 40 feet a communication system audible to each dispensing area shall be required between the control station and each pump island. The communications system applies only to stations without full service.

13) At all times when a self-service station is open for public use, not less than one attendant shall be on duty, and no motor fuel shall be dispensed at any time when such attendant is not at or near the control station or pump island. The attendant's primary duty shall be to supervise the dispensing of motor fuels, motor oils and services normally related to such dispensing. Such attendant shall refuse service to any person who is smoking or who appears to be unable to dispense fuel safely, and shall shut off the dispensing unit if a patron fails to follow instructions in compliance with the rules. (See 170.150(d)(7)(F) above.)

14) All attendants and other employees of the service station shall be instructed in the location, operation, and use of the communication system, the control station, and the fire extinguishing equipment, the operation of the dispensing units, and safety regulations for the dispensing of motor fuels. Failure to instruct employees in these rules shall be cause for

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

revocation of the self-service permit. Failure of any employee to know location, operation, and use of the communication system, the control station, and fire extinguishing equipment, the operation of the dispensing units, and safety regulations for the dispensing of motor fuels, shall be grounds for revocation of the self-service permit.

e) Applications for self-service permits shall be filed in the Office of the State Fire Marshal.
1) Self-service permits shall be initially issued for a period of six ~~(~~ 6~~)~~ months. Renewal permits shall be issued for a period of ~~twenty-four--(~~ 24~~)~~ months. An initial permit for a period of 12 months shall be granted to an owner who has at least two other self-service permits and for which no citations for violations of the rules and regulations of the State Fire Marshal's Office contained in 41 Ill. Adm. Code 100, 160, 170, 180, 200 have been issued in the past 24 months.
2) The Office of the State Fire Marshal may, for failure to comply with these rules, for violation thereof, or for violation of any federal, state or local laws, statutes, ordinances, rules or regulations, refuse to issue, renew or suspend or revoke a self-service station permit. The Office of the State Fire Marshal shall serve notice of such refusal suspension or revocation on the applicant for or holder of such permit by personal service or by certified or registered mail. The applicant for on holder of such permit, may within 10 days after notice of such refusal, suspension or revocation is served, file in the Office of the State Fire Marshal written request for a hearing. Such hearings shall be governed by the ~~The~~ Administrative Procedure Act [5 ILCS 100] ~~(Ill.Rev.Stat.--1983, Ch.--127, Para.--1001-et-seq.)~~. Any order or decision made by the Office of the State Fire Marshal based upon such hearing shall be an "administrative decision" within the meaning of the "Administrative Review Law" [735 ILCS 5/Art. 3]. ~~(Ill.Rev. Stat.--1983, Ch.--110, Para.--3-101-et-seq.)~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 170.310 Unattended Self-Service Other Than Fleet Operations

Service stations which allow or permit the fueling of motor vehicles with Class I, II, or III liquids, by persons other than an owner or employee, without the presence of an attendant, are allowed only at locations which have a valid "Unattended Self-Service Permit" issued by the Office (except as allowed by 41 Ill. Adm. Code 180.22 at airport facilities). Unattended "Self Service Permits" shall be issued for one year initially, and renewals shall be issued for two year intervals thereafter. ~~"Unattended-Self-Service-Permits"-shall-not be-issued-to-locations-in-counties-with-more-than-1,000,000-in-population.~~ If

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

a service station is to be operated as an unattended station during any portion of a day it will be deemed as requiring a permit for unattended operation and must meet such standards. Plans of the premises shall be submitted as required by Section 170.105.

a) Equipment required for an unattended self-service permit:

1) Dispenser control device (actuators and monitors) for use by customers to activate dispensing equipment.

A) Devices may use currency, coins, keys or cards to activate dispenser and pumps.

B) Card devices shall use magnetically coded, optically read or inductive coil cards to be inserted in a device to activate the pump.

C) All dispenser control devices must meet the standards of UL 1238 (1992) ~~(1978)~~ and shall be installed and maintained in accordance with the manufacturer's instructions. All wiring shall comply with NFPA 70 (1996) ~~(1984)~~, Chapter 5.

D) Motors of pumps to dispensing devices shall not have electrical current supplied to them unless and until the dispensing device is activated. The electric current to the motors of the pumps shall automatically terminate and not more than ~~three~~ (3) minutes after the flow of product has ceased. Electrical current to the pump motors shall be off at all other times.

2) Dispensing devices, remote pumps and hose nozzle valves must comply with this Part, and the following rules:

A) Hose nozzles must meet the standards of UL 842 (1993) ~~(1980)~~ and:

i) Nozzles must be equipped with devices (e.g., wire or a spout anchor spring) designed to retain the nozzle spout in the vehicle fill pipe while refueling. Such devices must be in compliance with (UL) Standard 842 (1993) ~~(1980)~~, or be approved by Factory Mutual, as part of the nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations. Vacuum assist and balanced type vapor recovery nozzles prohibited from having such wire or spout anchor springs as the result of their design shall be exempt from this requirement.

ii) An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the nozzle assembly, and must meet UL 842 (1993) ~~(1980)~~.

iii) Hose nozzle valves shall be of the type which will close automatically, independent of the latch-open device, upon loss of pressure in the dispensing system and in which the latch-open device may only be engaged

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

when the dispensing system is under pressure.

iv) The nozzle must be designed and maintained to cease the flow of product if the nozzle falls from the fill pipe of the motor vehicle being fueled to the ground, as described in UL 842 (1993) ~~(1980)~~ ~~Section 15~~.

B) Remote pumps serving dispensing devices shall meet the standards of UL 79 (1992) ~~(1981)~~ and shall be equipped with a leak detection device in accordance with paragraph 4-3.3 of NFPA 30A (1996) ~~(1984)~~ and shall be installed and maintained in accordance with the manufacturer's instructions.

C) Dispensing devices shall meet the standards of UL 87 (1990) ~~(1982)~~ and the following rules:

i) Devices shall be equipped with a secondary control means in accordance with Paragraph 4-2.3 of NFPA 30A (1996) ~~(1984)~~.

ii) Devices served by remote pumps shall be equipped with an emergency shut-off valve meeting the standards of UL 842 (1993) ~~(1980)~~ and which shall comply with paragraph 4-3.6 of NFPA 30A (1996) ~~(1984)~~.

iii) Devices shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.

iv) Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.

v) Devices shall be wired in accordance with Chapter 5 of NFPA 70 (1996) ~~(1984)~~ and shall be installed and maintained in accordance with the manufacturer's instructions.

vi) An emergency breakaway device shall be installed on each hose at all dispensing devices available for self service of Class I, II and III liquids. The breakaway device shall be designed to retain liquid on both sides of the breakway point, and shall be installed and maintained in accordance with the manufacturer's recommendations.

3) Emergency Electrical Controls shall be provided and shall comply with the following rules:

A) A Master Electrical shut-off switch or circuit breaker shall be provided at a location not less than 20 feet from the nearest nor more than 100 feet from the farthest dispensing device for unattended self-service and shall:

i) Be visible from all unattended self-service dispensing device locations on the premises. If installation of a single switch or circuit breaker does not achieve compliance with this visibility requirement, duplicate switches or circuit breakers shall be required by the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Office to achieve compliance.

ii) Terminate electric power to all dispensers, pumps and dispenser control devices on the premises, including neutral conductors and low voltage control wiring.

iii) Be of such a type or installed in such a way, that it may only be reset manually with a key which shall be kept in the custody of the unattended self-service station owner or an employee of the owner or, alternatively, the resetting device shall be kept in a secured area accessible only by key or other device which is kept solely in the custody of the owner or employee of the owner. (Club members, card holders and other persons utilizing the station may not have access to the mechanism necessary to the resetting of the master electrical control~~).~~

B) In addition to the Master Electrical Shut-off required in subsection (a)(3)(A) above, additional emergency electrical controls shall be provided at each group of dispensers or pumps served by a single dispenser control device. Such additional controls may, at the option of the owner be an integral part of the dispenser control device assembly. The device shall, when activated, terminate all electrical power to all dispensing devices or pumps which are served by that dispenser control device. Stations with only one island may elect to utilize only a master electrical control located at the dispenser control device meeting the requirements of subsection (a)(3)(A) above.

C) The emergency electrical controls required by this section shall, at all times, be identified by a sign constructed of all weather material which shall state, in letters not less than 1" in height, "EMERGENCY SHUT OFF SWITCH". Lettering shall contrast with the background material of the sign. The sign shall be mounted in place with the bottom of the sign not less than ~~five (5)~~ feet above the ground.

D) Resetting the Master Electrical Shut-off~~(~~ required by this Section ~~section~~ shall be accomplished only after the condition which caused it to be activated has been corrected.

E) Power for illumination of dispensing areas required by this Section shall not be affected by activation of any of the Emergency Electrical Controls.

F) Activation of a Master Electrical Shut-off shall transmit an alarm as required in subsection (a)(4)(A)(iii) and subsection (a)(4)(B)(iv) below.

G) A sign shall be placed at or near the Master Electrical Shut-off stating that activation of the Master Electrical Shut-off "transmits a fire alarm to the fire department".

4) Fire detection, control and suppression equipment must meet

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

either (A) or (B) of the following (note: local governments may require option A or option B):

A) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression system(s) meeting the standards of UL 1254 (1992) ~~(1985);~~ ~~UL 300-A-(1982)~~ and NFPA 17 (1994) ~~(1985)~~. If a fire suppression system meeting these requirements is installed, no fire extinguishers are required. In the event of a fire suppression system discharge, the fuel dispensing facility shall not be returned to service until the suppression system is recharged and fully operational in the area protected by the system. The fire suppression system shall:

i) automatically activate the Master Electrical Shut-off.

ii) sound a local alarm notification device audible throughout the dispensing area and meet the standards of NFPA 72G (1996) ~~(1985)~~.

iii) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of ~~one of the following:~~ NFPA 72 (1996) ~~7: (1985); NFPA-72B-(1979); NFPA-72C-(1985); or NFPA--72D (1979)~~.

iv) include extinguishing agent discharge nozzles mounted above dispensers, and at or near ground level to discharge agent underneath vehicles being fueled. Suppression systems that are not listed by UL for ground level discharge should have ground level discharge nozzles installed by January 1, 1987; overhead nozzles shall be installed prior to issuance of a permit.

B) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall be equipped with portable fire extinguishers and have a fire detection system located under a weather enclosure ~~(~~ canopy~~)~~ (unless written documentation is submitted verifying that the detection system will operate properly without such a canopy). ~~and hand-held portable fire extinguishers which shall:~~

i) The system shall detect ~~Detect~~ a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors, and the installation must meet the requirements of NFPA 72 (1996) ~~72B-(1982)~~.

ii) Activation of the system shall automatically activate the Master Electrical shut-off.

iii) Activation of the system shall cause the sounding of ~~sound~~ a local alarm notification device audible

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

throughout the dispensing area and meeting ~~meet~~ the standards of NFPA 72 (1996) ~~72G-(1985)~~.

iv) Activation of the system shall cause the automatic transmission of ~~automatically transmit~~ an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of ~~one of the following:~~ NPFA 72 (1996). Fire ~~71-(1985);-NFPA--72B--(1979);--NFPA--72E (1985);--or;--NFPA-72B-(1979);----If an automatic fire suppression---system---is----not----installed;----fire~~ extinguishers meeting the requirements of Section 170.145 shall be installed and maintained at each island and at the master electrical shut-off. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass or other act(s) which could injure users attempting to access the extinguishers; doors, panels and local alarm systems may be provided at the owner's option.

5) At all times instructions shall be posted in all weather materials by each actuator. These instructions shall be mounted not less than four feet nor more than six feet six inches from the bottom of the sign to the ground, and give the following information in letters not less than 1" in height:

A) No smoking.

B) Turn off engine.

C) Containers for gasoline must be red.

D) Containers for kerosene must be blue. It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene. All containers must be metal or stamped with the marking "Conforms to or meets ANSI/ASTM D3435-83", or "UL" or "FM".

E) In case of fire or spill use emergency shut-off (or stop) button located at (owner must insert the locations of the emergency shut-off(s); Master Electrical Shut-off transmits fire alarm to fire department.

b) Inventory records must be maintained and available for inspection by personnel of the Office. Applications for unattended self-service shall contain the name(s), address(s) and telephone number(s) of the person(s) the Office can contact for the inventory emergency reconciliations.

1) Emergency reconciliations shall be available on two hours notice by telephone or in person.

2) Records must be maintained showing the date, time of purchase (or delivery), amount of product, type of product, and name (or account number which can identify a name) for other than coin and currency sales for each purchase or delivery of product. Records must be maintained for one year and be available in the same

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

manner as inventory records. These records may be maintained electromagnetically, provided that the owner or operator can provide a printout when requested.

c) Dispensing devices or actuators must limit the delivery of product in such a manner as to require the reactivation of the latch open (hold-open) device to the following:

1) Motor vehicle fuels (Class I, II and III)

A) Class I liquids (gasoline, gasahol, ethanol, motor fuel blends) - maximum 50 gallons.

B) Class II and III liquids (diesel fuel) - maximum 250 gallons.

2) Kerosene (grade K-1 only) - 6 gallons.

3) Other Class I, II and III liquids - 6 gallons.

d) When kerosene is to be dispensed at unattended service stations, only grade K-1 kerosene shall be dispensed. All dispensing shall be from underground tanks. Kerosene dispensers shall not be located on the same island with other Class I, II or III liquids. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65].

e) The Office of the State Fire Marshal shall, for failure to comply with these rules, for violation thereof, or for violation of any applicable federal, state or local laws, statutes, ordinances, rules or regulations, refuse to issue, refuse to renew or suspend or revoke an unattended a self-service station permit. The Office of the State Fire Marshal shall revoke such permit for flagrant, repeated and/or serious violations of these rules. The Office of the State Fire Marshal shall serve notice of such refusal, suspension or revocation on the applicant for or holder of such permit by personal service or by certified or registered mail. The applicant for or holder of such permit may, within 10 days after notice of such refusal, suspension or revocation is served, file in the Office of the State Fire Marshal written request for a hearing. Such hearings shall be governed by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]. Any order or decision made by the Office of the State Fire Marshal based upon such hearing shall be an "administrative decision" within the meaning of the Administrative Review Law [735 ILCS 5/Art. 3].

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: 121.18 — Proposed Action: New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and H.R. 3734

5) Complete Description of the Subjects and Issues Involved: One of the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H.R. 3734), is the work requirement for food stamps. In accordance, these proposed amendments establish that employable persons will be eligible for limited food stamp benefits if they do not meet the work requirement. Eligibility for food stamp benefits will continue as long as the work requirement is met.

As a result of these proposed amendments, an individual is restricted to three months of eligibility for food stamps during a 36-month period unless he or she meets the work requirement or he or she is exempt from meeting the work requirement. An individual meets the work requirement if he or she works an average of 20 hours per week or he or she participates in workfare for the required number of hours. An individual is exempt from meeting the work requirement if the individual is:

1. under age 18 or over age 50;
2. medically certified as physically or mentally unfit for employment;
3. pregnant;
4. a student enrolled at least half time;
5. a member of a household responsible for a dependent child;
6. responsible for the care of an incapacitated person;
7. participating in a drug addiction or alcoholism treatment and rehabilitation program;
8. receiving weekly earnings of at least the federal minimum wage times 30 hours;
9. receiving Unemployment Insurance; or
10. residing in an area which is exempt from this requirement.

This rulemaking also establishes that an individual who has been denied eligibility because he or she does not meet the work requirement may qualify for three additional months of eligibility for food stamps in a 36-month period. To qualify for the three additional months of eligibility for food stamps, during a 30-day period the individual must:

1. work 80 or more hours; or
2. participate in and comply with workfare.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.7	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.20	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.22	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.23	New Section	August 2, 1996 (20 Ill. Reg. 10263)
121.24	New Section	August 2, 1996 (20 Ill. Reg. 10263)
121.25	New Section	August 2, 1996 (20 Ill. Reg. 10263)
121.26	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.27	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.29	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.30	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.30	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.31	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.31	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.50	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.57	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.60	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.61	Amendment	October 25, 1996 (20 Ill. Reg. 13908)
121.61	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.63	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.63	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.64	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.70	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.71	Amendment	August 2, 1996 (20 Ill. Reg. 10263)
121.75	Amendment	October 25, 1996 (20 Ill. Reg. 13908)
121.91	Amendment	October 25, 1996 (20 Ill. Reg. 13908)
121.92	Amendment	August 30, 1996 (20 Ill. Reg. 11581)
121.93	Amendment	August 30, 1996 (20 Ill. Reg. 11581)
121.94	Amendment	August 30, 1996 (20 Ill. Reg. 11581)
121.98	New Section	October 11, 1996 (20 Ill. Reg. 13151)
121.131	Amendment	October 11, 1996 (20 Ill. Reg. 13151)
121.151	Amendment	October 18, 1996 (20 Ill. Reg. 13515)
121.182	Amendment	

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Entities that qualify as small businesses, small municipalities and not for profit corporations under Section 1-75, 1-80 and 1-85 of the IAPA [5 ILCS 100/1-75, 1-80, 1-85].

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section
121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Services
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.18 Work Requirement
121.19 Ending a Voluntary Quit Disqualification
121.20 Citizenship
121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements (Repealed)
121.24 Individuals Exempt From Work Registration Requirements (Repealed)
121.25 Failure to Comply (Repealed)
121.26 Period of Disqualification (Repealed)
121.27 Voluntary Job Quit
121.28 Good Cause for Voluntary Job Quit
121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

121.52 Earned Income from Roomer and Boarder
121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions From Monthly Income
121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting
121.91 Monthly Reporting
121.92 Retrospective Budgeting
121.93 Direct Mail Issuance of Food Stamp Coupons
121.94 Replacement of Food Stamp Coupons
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons
121.97 Supplemental Payments
121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
121.120 Recertification of Eligibility

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

121.130 Residents of Shelters for Battered Women and their Children
121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation
121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component
121.182 Earnfare Component
121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Concillation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.18 Work Requirement

a) An individual is restricted to three months of eligibility for food stamps during a 36-month period unless he or she meets the work requirement or he or she is exempt from meeting the work requirement.

b) An individual meets the work requirement if he or she works an average of 20 hours per week or he or she participates in workfare for the required number of hours.

c) An individual is exempt from meeting the work requirement if the individual is:

1) under age 18 or over age 50;
2) medically certified as physically or mentally unfit for employment;
3) pregnant;
4) a student enrolled at least half time;
5) a member of a household responsible for a dependent child;
6) responsible for the care of an incapacitated person;
7) participating in a drug addiction or alcoholism treatment and rehabilitation program;
8) receiving weekly earnings of at least the federal minimum wage times 30 hours;
9) receiving Unemployment Insurance; or
10) residing in an area which is exempt from this requirement.

d) An individual who has been denied eligibility because he or she does not meet the work requirement may qualify for three additional months of eligibility for food stamps in a 36-month period. To qualify for the three additional months of eligibility for food stamps, during a 30-day period the individual must:

1) work 80 or more hours; or
2) participate in and comply with workfare.

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Migrant Labor Camp Code

2) Code Citation: 77 Ill. Adm. Code 935

3)

Section Numbers:	Proposed Action:
935.15	New Section
935.20	Amendment
935.25	Amendment
935.30	Amendment
935.35	Amendment
935.40	Amendment
935.50	Amendment
935.60	Amendment
935.65	Amendment
935.70	Amendment
935.80	Amendment
935.85	Amendment
935.90	Amendment
935.100	Amendment
935.105	Amendment

4) Statutory Authority: Illinois Migrant Labor Camp Law [210 ILCS 110]

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the specific administrative fine amount to be assessed for failure to correct violations of the Migrant Labor Camp Law or this Part. The rulemaking categorizes violations of specific requirements in the rules as type A, B, or C violations and specifies fine levels for each category.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? Yes

9) Are there any Other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a state mandate on units of local governments.

11) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito
Division of Governmental Affairs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-6187

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses affected: Migrant Labor Camps

B) Reporting, Bookkeeping or other procedures required for Compliance: None

C) Types of Professional Skills necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department had not planned to file this rulemaking at the time the most recent regulatory agenda was filed.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER s: MIGRANT LABOR

PART 935
MIGRANT LABOR CAMP CODE

Section
935.10 Administration
935.15 Administrative Fines
935.20 Definitions
935.25 Incorporated and Referenced Materials
935.30 General Requirements
935.35 Permits
935.40 Camp Sites
935.50 Water Supply
935.60 Sewage Disposal
935.65 Required Sanitary Facilities
935.70 Food Preparation, Storage and Eating Facilities
935.80 Solid Waste Disposal
935.85 Electrical
935.90 Mechanical ~~Lighting and Heating~~
935.100 Fire Protection
935.105 Communicable Disease Reporting
935.110 Exempt Establishments ~~Requirements for Camps Licensed to Operate less than an Aggregate of 21 Days Per Calendar Year~~
935.120 ~~Inspections and~~ Variances
935.130 Complaints

AUTHORITY: Implementing and authorized by the Illinois Migrant Labor Camp Law [210 ILCS 110].

SOURCE: Filed June 20, 1972, effective January 1, 1973; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 16436, effective November 23, 1983; amended at 14 Ill. Reg. 12633, effective July 20, 1990; amended at 21 Ill. Reg. _____, effective _____.

Section 935.15 Administrative Fines

a) General. In accordance with Section 11 of the Act, the Department shall assess administrative fines against any person who provides housing for migrant workers when the person fails to correct violations of the Act or this Part. Written notification of violations shall be provided by the Department and at least 10 days shall be allowed for making the corrections before any fine can be assessed.

b) Fine Levels. The amount of the fine shall be based on the severity of the violation and is indicated by the letter shown in parenthesis

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

after the requirements specified in this Part. Multiple offenses of any specific requirement shall be subject to multiple fines. The amount of the fines shall be as follows:

1) Type A violations $1,000
2) Type B violations $500
3) Type C violations $100

c) Notification. The Department shall send written notification by certified mail to the person against whom a fine has been assessed indicating any violation that was not corrected by the specified date, the amount of the fine(s), the date that the fine(s) must be paid, the address to send the payment and the procedure to follow should an administrative hearing be desired.

d) Hearings. All administrative hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

e) Failure to Pay Fines. All fines must be paid within 45 days after notice of violation from the Department unless an administrative hearing is conducted. If an administrative hearing is conducted, any required fines must be paid within 45 days after notification of the final decision in the administrative hearing. Failure to pay any fine shall be grounds for initiation of license revocation or license denial.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 935.20 Definitions

In addition to the definitions contained in the Illinois Migrant Labor Camp Law, the following definitions shall apply:

"Act" means the Illinois Migrant Labor Camp Law [210 ILCS 110] ~~(Ill. Rev. Stat. 1989, ch. 111 1/2, par. 185.1 et seq.) and the amendments thereto.~~

"Community Water System" means a public water system which services at least 15 service connections used by residents or serves at least 25 residents for at least 60 days a year.

"Family" shall include the mother, father and dependent children under 18 years of age.

"Major Alteration" means the construction of a new potable water system, sewage disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Major Extension" means an increase of ten percent or more in a one year period of the capacity of the potable water system, sewage

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

disposal system, food service establishment, electrical distribution system or permanent sleeping structure.

"Non-Community Water System" means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or serves 25 or more non-resident individuals daily for at least 60 days a year.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes an collection, treatment, storage and distribution facilities under control of the operator of such system and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

"Special Flood Hazard Area" means an area that would be inundated by the base flood and shown as such on either a Regulatory Flood Plain Map (published by the Illinois Department of Natural Resources ~~Transportation's Division of Water Resources~~), a Flood Insurance Rate Map or a Flood Hazard Boundary Map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.25 Incorporated and Referenced Materials

a) The following State regulations are referenced in this Part: ~~State Regulations~~

1) Rules of the Pollution Control Board

A) ~~1)~~ 35 Ill. Adm. Code 601, 602, 603, 604, 605, 606, and 607~~, promulgated by the Illinois Pollution Control Board~~ (Section 935.50(b)(1))

B) ~~2)~~ 35 Ill. Adm. Code 651, 652, 653 and 654~~, promulgated by the Illinois Environmental Protection Agency~~. (Section 935.50(b)(1))

2) Rules of the Department of Public Health

A) ~~3)~~ Control of Communicable Diseases Code, 77 Ill. Adm. Code 690~~, promulgated by the Illinois Department of Public Health~~. (Section 935.105)

B) ~~4)~~ Food Service Sanitation Code, 77 Ill. Adm. Code 750~~, promulgated by the Illinois Department of Public Health~~. (Section 935.70(a))

C) ~~5)~~ Illinois Plumbing Code, 77 Ill. Adm. Code 890~~, promulgated by the Illinois Department of Public Health~~. (Sections 935.35(b)(9) and 935.35(d))

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~D)6)~~ Drinking Water Systems Code, 77 Ill. Adm. Code 900~~,~~ ~~promulgated--by--the--Illinois--Department--of--Public--Health.~~ (Sections 935.50(a), (b)(2), (c)(2) and (3) and (c))

~~E)7)~~ Private Sewage Disposal Code, 77 Ill. Adm. Code 905~~,~~ ~~promulgated--by--the--Illinois--Department--of--Public--Health.~~ (Section 935.60(a)(1), (2) and (3))

~~F)8)~~ Illinois Water Well Construction Code, 77 Ill. Adm. Code 920~~,--promulgated--by--the--Illinois--Department--of--Public--Health.~~ (Section 935.50(b)(3))

~~G)9)~~ Illinois Water Well Pump Installation Code, 77 Ill. Adm. Code 925~~,--promulgated--by--the--Illinois--Department--of--Public--Health.~~ (Section 935.35(b)(3))

~~H)10)~~ Surface Source Water Treatment Code, 77 Ill. Adm. Code 930~~,--promulgated--by--the--Illinois--Department--of--Public--Health.~~ (Section 935.35(b)(4))

~~I)11)~~ Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100~~,--promulgated--by--the--Department--of--Public--Health.~~ (Section 935.130(f))

b) The following Illinois State Statutes are referenced in this Part:

1) Illinois Plumbing License Law~~,~~ [225 ILCS 320] ~~111.--Rev.--Stat.--1989,--ch.--111,--par.--1101--et--seq.~~ (Section 935.50(d))

2) Private Sewage Disposal Licensing Act~~,~~ [225 ILCS 225] ~~111.--Rev.--Stat.--1989,--ch.--111--1/2,--par.--116,301--et--seq.~~ (Section 935.60(b))

3) ~~The~~ Space Heating Safety Act~~,~~ [425 ILCS 65] ~~111.--Rev.--Stat.--1989,--ch.--127--1/2,--par.--781--et--seq.~~ (Section 935.90(c))

4) Smoke Detector Act~~,~~ [425 ILCS 60] ~~111.--Rev.--Stat.--1989,--ch.--127--1/2,--par.--881--et--seq.~~ (Section 935.100(d))

5) Gasoline Receptacle Labeling Act [430 ILCS 20] ~~"AN--ACT--prescribing--the--color--and--label--for--gasoline--or--benzol--receptacles",--111.--Rev.--Stat.--1989,--ch.--127--1/2,--par.--151--et--seq.~~ (Section 935.100(c))

6) Gasoline Storage Act [430 ILCS 15] ~~"AN--ACT--to--regulate--the--storage,--transportation,--sale--and--use--of--gasoline--and--volatile--oils",--111.--Rev.--Stat.--1989,--ch.--127--1/2,--par.--153--et--seq.~~ (Section 935.100(c))

7) Fire Investigation Act [425 ILCS 25] ~~"AN--ACT--relating--to--the--investigation--and--prevention--of--fire",--111.--Rev.--Stat.--1989,--ch.--127,--par.--6--et--seq.~~

8) Illinois Migrant Labor Camp Law~~,~~ [210 ILCS 110] ~~111.--Rev.--Stat.--1989,--ch.--111--1/2,--par.--105,--et--seq.~~

c) The following materials are incorporated by reference in this Part: ~~Other--Materials~~

National Electrical Code, 1996 ~~1990~~ Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. A copy of this Code is on file in the central and regional offices of the Illinois Department of Public Health. (Section 935.85(a) and (b))

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.30 General Requirements

a) Housing Unit Identification. The camp operator shall post on the front of each housing unit a permanent and legible number or letter. (C)

b) Occupancy List.

1) Each camp operator shall maintain a current list of all individuals residing in the camp and the housing unit they occupy. (C)

~~A) Name--of--each--occupant.~~

~~B) Housing--Unit.~~

2) The list shall be kept by the camp operator and shall be available for inspection by the Department upon request. (C)

3) The Department shall establish the maximum capacity for each housing unit located in a licensed camp.

c) Unapproved Housing Units. Housing units that are not approved for habitation shall be so posted in English and the native language of the occupants with forms provided by the Department. The entrances to such non-approved housing units shall be sealed or locked at all times except during periods of repair. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.35 Permits

a) General. Section 8 of the Act requires that the applicant submit plans be--submitted to the Department and obtain a construction permit from the Department approved prior to the construction of constructing a new migrant labor camp or performing a major alteration or major extension to an existing migrant labor camp. (B)

b) Plans. Two sets of plans showing the following information shall be submitted to the Department by the applicant to obtain a construction permit:

1) Identification of the migrant labor camp involved and the person or organization preparing the drawings and specifications.

2) A statement describing the scope of the work proposed and the anticipated time schedule.

3) A plan showing location of all structures and improvements.

4) Drawings and/or specifications for proposed buildings or structures that include all structural components and material specifications.

5) Detailed drawings and specifications of proposed potable water source and distribution system, and a general drawing showing distances between components of the potable water system and

sources of potential contamination.

6) Detailed drawings and specifications of proposed sewage system construction, and a general arrangement drawing showing distances between components of the sewage system and potable water systems or bodies of surface water, data showing estimated volume of sewage flow and soil percolation rates for absorption fields. When ~~Where~~ a permit has been obtained or applied for from the Environmental Protection Agency or a unit of local government for construction of a sewage disposal system, a copy of the permit or permit application shall be submitted.

7) Detailed drawings and specifications for proposed food service establishment construction showing interior construction of the building, floors, walls and ceiling, as well as details of food handling equipment to be installed.

8) Drawings of proposed electrical distribution system construction showing general arrangement, size and type of wiring, method of grounding, over-current protection and type of equipment.

9) Drawings of proposed sewer and water piping within buildings showing size and location of piping, fittings, and fixtures, as well as materials of construction, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).

10) The maximum number of persons intended to occupy any new or remodeled housing unit shall be specified. This figure shall not exceed the capacity of the water and sewage systems provided.

c) Flood Hazard. Prior to the issuance of a construction permit, the permit applicant shall submit a completed "Special Flood Hazard Area Request Form" provided by the Department. If the site is within a Special Flood Hazard Area, the applicant shall forward to the Illinois Department of Natural ~~Transportation's Division of Water~~ Resources the plans for the project. No project to be located in a Special Flood Hazard Area shall be issued a permit without a statement or a copy of the statement from the Department of Natural ~~Division of Water~~ Resources that the construction complies with the requirements of Executive Order 79-4 dated May 31, 1979. Construction of such items as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipment, sidewalks and driveways as specified in Statewide Permit Number 6 issued by the Illinois Department of Natural ~~Transportation, Division of Water~~ Resources, May 13, 1983 are exempt from the above requirements. (C)

d) Local Approval. Prior to construction of a new camp, major alteration or major extension of an existing camp, permits and zoning approval required by local health departments and zoning boards as well as other governmental units having jurisdiction shall be obtained by the permit applicant. (C)

e) Existing Facilities. A permit is not required when existing facilities are utilized for a migrant labor camp. Plans indicating the general location of all structures and utilities shall be submitted to the Department. The existing facilities will be inspected by the

Department for compliance with this Part. Any violations identified during the inspection of the facilities shall be corrected, and the facilities shall be brought into essential compliance with this Part prior to the issuance of a license. (C)

f) Repairs. A permit is not required to repair a facility in a licensed migrant labor camp or to correct a violation of this Part when such repair or correction is made to an existing facility and does not result in expansion of any existing appurtenance or structure.

g) Minor Extensions and Alterations. Construction at a migrant labor camp less than a major extension or major alteration shall not require a permit. However, prior to initiating construction, the applicant shall advise in writing the regional office of the Department which serves the camp of the scope of the alteration. (C)

h) EPA Approval. The construction of all community water supply systems and those surface discharge sewage disposal systems with flows greater than 1,500 gallons per day requires a construction permit from the Illinois Environmental Protection Agency. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.40 Camp Sites

a) Camp Location. Camp sites shall be well drained, free of weeds, insects and obnoxious odors and also free from depressions in which water may stand. Housing units shall not be located within 200 feet of swamps, sinks holes, or other surface collections of water unless mosquito control measures are undertaken. The site location shall not create hazardous traffic conditions. Each site shall be of a size to permit the spacing of buildings and vehicles to minimize fire hazards as required by Section 935.100(a). All housing units and areas where food is prepared or served shall be located at least 500 feet from livestock areas. (B)

b) Maintenance of Camps. The camp shall be kept free of debris, tall vegetation, and abandoned equipment. (C)

c) Housing Units.

1) All structures intended for occupancy shall be structurally sound, be maintained to support the wind and snow loads and ~~shall~~ be waterproof. (A)

2) All floors shall be of an impervious non-absorbent material that can be cleaned. The top of wooden floors shall be at least 12 inches above the ground level, except for structures occupied prior to April 3, 1980. (C)

3) All walls and ceilings shall have ~~be of~~ a smooth finish that can be cleaned with soap and water. Any area subject to splash shall be made of an impervious material. Exposed studs and rafters are acceptable only for housing units occupied prior to January 1, 1990. All habitable rooms shall have a minimum 7 foot high

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

ceiling. (C)

4) Each room used for sleeping purposes shall contain at least 50 square feet of floor space per occupant except that camps occupied prior to April 3, 1980 shall have at least 40 square feet per person if bunk beds are used. A minimum of 100 square feet per person shall be provided in combined cooking and sleeping rooms except that a minimum of 60 square feet per person shall be provided for those camps occupied prior to April 3, 1980. (B)

5) All rooms except toilet rooms and kitchens shall be provided with windows, the total area of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation. Rooms without openable windows must have mechanical ventilation capable of producing a change of air every 30 minutes. (C)

6) All exterior openings shall be screened with 16-mesh material. All screen doors shall be equipped with self-closing devices. (C)

7) Beds, cots, or bunks, and suitable storage facilities such as wall lockers, closets or dressers for clothing and personal articles shall be provided in every room used for sleeping purposes. Six inches of clearance shall be provided between the floor and the bottom of all springs or mattresses. The minimum clear space between the lower and upper bunk shall be at least 27 inches. Triple-deck bunks are prohibited. For structures initially occupied after April 3, 1980, there shall be 36 inch separation between single beds and 48 inch separation between sets of bunk beds. (C)

8) Separate quarters shall be provided for each sex except in the case of family living quarters. A partitioned sleeping area for the husband and wife shall be enclosed from floor to a height of at least six feet, with a gap not to exceed ~~four (4)~~ inches at the floor being allowable. The entrance to the sleeping quarters shall be equipped with a curtain or door. (C)

9) The housing units shall be kept free of animal or insect vectors or pests. (B)

d) Bedding.

1) The licensee shall be responsible for maintaining all bedding that is provided by the licensee ~~which he provides~~ in a clean and sanitary condition. (C)

2) Sheets and pillow cases, when provided, shall be laundered at least once each week and before use by each new worker. (C)

3) Blankets, when provided, shall be washed as often as necessary to maintain cleanliness, and at least annually. (C)

4) Mattresses shall be provided and shall be covered with removable covers which shall be washed before use by each new worker. If mattresses and pillows cannot be cleaned, they shall be discarded. (C)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

5) If mattress bags are provided, they shall be washed at least once each operating season and before use by each new worker. The mattress filling shall be changed at the time the bags are washed. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.50 Water Supply

a) Water Supply - General. The water supply for drinking, culinary, laundry and bathing purposes, as well as the distribution system for such water supply, shall be located, constructed, operated and maintained as required by the Department's Drinking Water Systems Code(77 Ill. Adm. Code 900), unless the water supply is a community water system as specified in subsection (b)(1) below. The water supply shall be capable of delivering 35 gallons per person per day. Water outlets shall be distributed throughout the camp in such a manner that no housing unit is more than 100 feet from a water tap if water is not piped to the individual unit. The licensee shall be responsible for providing hauled water when the quantity or quality does not meet the requirements of this Section. (A)

b) Sources of potable water acceptable to the Department are as follows:

1) A community water system constructed, operated and sampled in accordance with 35 Ill. Adm. Code, Parts 601, 602, 603, 604, 605, 606, 607, 651, 652, 653 and 654.

2) A non-community public water system constructed, operated and sampled in accordance with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900).

3) A water well constructed, located and operated in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).

4) A surface water system constructed and operated in compliance with the Department's Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

c) Sampling.

1) For all migrant labor camps not connected to a community water system, Department personnel shall collect water samples for coliform bacteria, nitrate and turbidity (for surface source water systems only) analyses at the time of the pre-occupancy license inspection. Department personnel shall collect a water sample at these facilities for coliform bacteria analysis during the required occupancy inspection of the facility.

2) The licensee shall be responsible for collecting and returning any additional water samples required by the Drinking Water Systems Code (77 Ill. Adm. Code 900). (C)

3) Water failing to meet the quality requirements of the Drinking

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Water Systems Code (77 Ill. Adm. Code 900) shall be made unavailable for use until determined to be in compliance by the Department. A water supply containing between 10 and 20 parts per million (ppm) of nitrate (N) may be used if it is posted by the owner or operator of the migrant labor camp stating in English and in the native language of the occupants that the water shall not be used for infants less than 6 months of age. The Department shall provide the necessary placards. (B)

d) Plumbing. All plumbing system construction or repair shall be performed by a licensed Illinois plumber as required by the Illinois Plumbing License Law [225 ILCS 320] ~~(111. Rev. Stat. 1989, ch. 111, par. 1101 et seq.)~~, and shall be in accordance with the Department's Illinois Plumbing Code (77 Ill. Adm. Code 890). Leaks and otherwise malfunctioning plumbing shall be repaired. Existing plumbing shall meet the requirements of the Illinois Plumbing Code in effect at the time of installation. (B)

e) Hauled Water. Hauled water may be permitted during an emergency or to supplement the existing water supply. The requirements of the Department's drinking Water Systems Code (77 Ill. Adm. Code 900) shall be met. (B)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.60 Sewage Disposal

a) General. All sewage generated within a migrant labor camp shall discharge into a sewage disposal system approved by the Illinois Environmental Protection Agency or a private sewage disposal system designed, constructed and maintained in accordance with the Private Sewage Disposal Code (77 Ill. Adm. Code 905). (A)

1) A construction permit must be obtained from the Department to construct a sewage disposal system designed to discharge to a subsurface seepage field or designed to discharge less than 1,500 gallons per day to the ground surface or to a body of water. (C)

2) If a sewage disposal system is designed to discharge 1,500 or more gallons per day to the ground surface or to a body of water, a permit for construction must be obtained from the Illinois Environmental Protection Agency. (C)

3) The effluent of all surface discharge sewage disposal systems shall meet the quality standards required by the Private Sewage Disposal Code (77 Ill. Adm. Code 905). (B)

b) License Requirements. Only persons licensed pursuant to the Private Sewage Disposal Licensing Act [225 ILCS 225] ~~(111. Rev. Stat. 1989, ch. 111 1/2, par. 116.301 et seq.)~~ shall construct, install, repair, modify, maintain, clean or pump private sewage disposal systems. (C)

(Source: Amended at 21 Ill. Reg. _____, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

_____)

Section 935.65 Required Sanitary Facilities

a) Toilets

1) A water closet, chemical toilet or privy seat shall be provided for each sex in the ratio of one for each 15 persons. (B)

2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or be provided with mechanical ventilation. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes. (C)

3) A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, eating room, or kitchen. (C)

4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "Men" and "Women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling. (C)

5) Where toilet facilities serve more than one family, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, with a minimum of two toilets for any shared facility. (C)

6) Urinals constructed of non-absorbent materials may be substituted for men's toilet seats on the basis of one urinal for one toilet seat up to a maximum of one-third of the required toilet seats. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit. (C)

7) Each toilet facility shall be provided with artificial lighting equivalent to one-half watt of incandescent light per square foot. (C)

8) Toilet facilities shall be clean and free of structural damage. (B)

9) Refuse containers shall be provided and emptied daily. (C)

b) Handwashing Facilities

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) One handwashing basin shall be provided for each family shelter or one for each six people or fraction thereof in shared facilities. (B)
2) Liquid or powdered soap shall be provided for each handwashing basin. Bar soap can be used when the basin is for family members only. (C)

c) Showers
1) There shall be a minimum of one showerhead with hot and cold running water per 10 persons or fraction thereof except that a minimum of one showerhead per 15 persons shall be provided for camps occupied prior to April 3, 1980. The showers shall be located within 300 feet of the housing unit. (B)
2) Showerheads shall be spaced at least 3 feet apart with a minimum of 9 square feet of floor space per unit. Dry dressing space shall be provided in shower rooms. Shower floors shall be constructed of non-absorbent, non-skid materials and sloped to a floor drain. The walls shall be smooth and impervious. Except in individual family units, separate shower facilities shall be provided for each sex. When shower facilities for both sexes are in the same building they shall be separated by a solid non-absorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and the native language of the persons expected to occupy the housing. (B)
3) Showers shall be kept free of dirt and mildew. (C)

d) Laundry Facilities
Laundry facilities, supplied with hot and cold water under pressure, shall be made available for the use of all occupants. Laundry trays or tubs shall be provided in a ratio of one per 30 persons. Mechanical washers may be provided in a ratio of one per 50 persons in lieu of laundry trays, although a minimum of one laundry tray per 100 persons shall be provided in addition to the mechanical washers. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.70 Food Preparation, Storage and Eating Facilities

a) Commercial Operations. If the food is prepared by someone other than the residents of the migrant labor camp, the facility shall be constructed and operated in accordance with the Food Service Sanitation Code (77 Ill. Adm. Code 750). (A)
b) Family Operations. If the food is prepared by the migrant workers or their family, the following shall be provided as a minimum:
1) One stove burner or hot plate burner shall be provided for every five occupants. (C)
2) Potable water and a basin shall be provided. (A)
3) Mechanical refrigeration for the food shall be provided. (B)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

4) A counter for food preparation and shelves or cabinets for the storage of food shall be provided. All food contact surfaces shall be impervious, smooth, and free of breaks, open seams, cracks, chips, pits and similar imperfections. (C)
5) Tables and seating facilities shall be provided for each person. (C)
6) Floors in kitchen and dining areas shall be non-absorbent and smooth. The walls adjacent to food preparation, cooking and cleaning areas shall be smooth and non-absorbent. (C)

c) Separation. Food preparation and eating facilities serving more than one housing unit shall be located in a room or building separate from sleeping rooms or toilet rooms. (B)
d) Communicable Disease. Persons with communicable disease shall not be allowed to prepare or otherwise handle food for anyone other than themselves. (A)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.80 Solid Waste Disposal

a) General. The storage, collection and disposal of refuse produced in a camp shall be conducted so as to avoid the creation of conditions detrimental to public health, such as rodent harborage, insect-breeding areas, odors, air pollution and accidents. The camp shall be kept free of litter, abandoned equipment, and accumulations of rubbish, including flammable debris, and shall be maintained in a sanitary condition at all times. (B)
b) Containers. All refuse which includes garbage, rubbish, bottles and tin cans shall be stored in water-tight containers constructed of a durable, non-absorbent material and having a tight-fitting lid. Such containers shall be maintained in a sanitary condition and in good repair at all times. Containers shall be provided as needed throughout the camp. Containers shall be placed on racks at least eight inches above the ground or on a pad of concrete or other impervious material. (C)
c) Collection and Disposal. Refuse shall be disposed of at a sanitary landfill approved by the Illinois Environmental Protection Agency. There must be a minimum of one collection per week. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.85 Electrical

a) New Installations. Electrical wiring and appurtenances installed after January 1, 1990 shall comply with the 1990 Edition of the National Fire Protection Association's National Electrical Code. For

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

installations after the effective date of the amendment to this Section, the 1996 edition of the National Electrical Code shall be met. (A)

b) Existing Installations. Electrical wiring and appurtenances installed prior to January 1, 1990 shall comply with the following:

1) The type and size of all conductors shall comply with the National Electrical Code in existence at the time of installation. (B)

2) All electrical distribution systems shall be protected against over-current by circuit breakers or fuses sized for the rated capacity of the conductors. Fuses and circuit breakers shall not have a larger rating than the receptacles they protect. (B)

3) There shall not be any open ground on any three wire system, open neutral, open hot conductors or reversed wiring conditions. (A)

4) All electrical connections shall be in accordance with the National Electrical Code in existence of the time of installation. No wiring shall be exposed that could cause personal injury. (B)

c) Maintenance. All electrical equipment shall be installed and maintained in accordance with the manufacturer's requirements. (B)

d) Lighting. Artificial lighting equivalent to one watt of incandescent light per square foot of floor area shall be provided in all rooms except toilet rooms which shall be provided an equivalent of one half watt per square foot. Exterior lighting shall be provided for the entrance to all buildings which are part of the camp. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.90 Mechanical ~~Equipment~~

a) Heating Equipment. All rooms except privies and storage sheds shall be provided with operable heating equipment capable of maintaining a temperature of at least 70° Fahrenheit if the camp operates when the outside temperature is below 50° Fahrenheit. (B)

b) Installation and Maintenance. All mechanical equipment shall be installed and maintained in accordance with the manufacturer's instructions. (B)

c) Vents. Heating appliances, including space heaters, other than electrical and kerosene fueled, shall be vented to the atmosphere outside of the building. All metal vents, flues, or stovepipes shall be insulated with a noncombustible material at all points of contact with combustible materials in walls, ceilings, or roofs. (A)

d) Noncombustible Slab. Electrical or fuel-fired hot plates or stoves for cooking, mounted on a table of combustible materials, shall be placed on a slab of noncombustible material extending at least 18 inches beyond the perimeter of the base of the stove or appliance. (B)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

e) Space Heaters. Portable space heaters shall have an automatic shut-off that is activated if the unit is tipped over. The requirements of the Space Heating Safety Act [425 ILCS 65] ~~(111. Rev. Stat. 1987, ch. 127 1/2, par. 781 et seq.)~~ shall be met for kerosene fueled heaters. (B)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 935.100 Fire Protection

a) Codes. All buildings in which people sleep or eat shall be constructed and maintained in accordance with the Fire Investigation Act [425 ILCS 2510] ~~"AN ACT relating to the investigation and prevention of fire" (111. Rev. Stat. 1989, ch. 127 1/2, par. 6 et seq.)~~ and local fire safety laws. (A)

b) Means of Egress. In housing units of one story construction, 2 means of escape shall be provided. One of the means of escape may be a window with an openable space of not less than 24 x 24 inches and the sill within 44 inches from the floor. Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or second stairway. (B)

c) Fuel Storage. Migrant labor camps shall comply with the applicable provisions of the Gasoline Receptacle Labeling Act [430 ILCS 2010] and the Gasoline Storage Act [430 ILCS 1510] ~~"AN ACT prescribing the color and label for gasoline or benzol receptacles" (111. Rev. Stat. 1989, ch. 127 1/2, par. 151 et seq.) and "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (111. Rev. Stat. 1987, ch. 127 1/2, par. 153 et seq.)~~ and any applicable rules adopted pursuant thereto. (B)

d) Smoke Detectors. Smoke detectors shall be provided in living areas in accordance with the Smoke Detector Act [425 ILCS 60]. ~~(111. Rev. Stat. 1989, ch. 127 1/2, par. 801 et seq.)~~ (B)

e) Fire Protection Equipment. A minimum of one 4-lb dry chemical ABC fire extinguisher shall be located within 100 feet of each living unit and maintained in a charged and ready to use condition. Compliance may also be achieved for family units by having one residential type fire extinguisher in each unit. The manufacturer's instructions for use of the fire extinguishers shall be explained to each occupant upon commencement of occupancy. (B)

f) Emergency Telephone Service. A telephone for emergency use shall be available at all times. The telephone number of the nearest fire department, law enforcement agency, hospital and ambulance service or the established universal emergency number shall be prominently posted near the telephone. (C)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 935.105 Communicable Disease Reporting

The licensee shall report any known cases of suspected food poisoning or unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom. This information shall be reported by telephone within one business day to the local health department or the Illinois Department of Public Health, 217/782-5830. Section 690.100 of the Department's Control of Communicable Disease Code (77 Ill. Adm. Code 690) contains reporting requirements for diagnosed communicable diseases. (A)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Illinois Water Well and Pump Installation Contractor's License Code

2) Code Citation: 77 Ill. Adm. Code 915

3)

Section Numbers:	Proposed Action:
915.10	Amendment
915.20	Amendment
915.40	Amendment

4) Statutory Authority: Water Well and Pump Installation Contractor's License Act [225 ILCS 345]

5) A Complete Description of the Subject and Issues Involved:

Section 915.10 clarifies application requirements. In order to be eligible to take the examination for licensure, an applicant must have a minimum of two years experience drilling water wells. The rule currently requires an applicant to submit an affidavit from previous employers confirming his experience. The change would require that the affidavit be completed by a licensed contractor who employed and trained the applicant.

Section 915.20 amends passing requirements for the contractor's license examinations. An applicant who fails to pass the examination must retake all parts in their entirety.

Section 915.40 clarifies supervision requirements for all applicants.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not require expenditures by any unit of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62761
(217) 782-6187

These rules may have an impact on small businesses. Any small business commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: Water well and pump installation contractors.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: Water well and pump installation license.

13) Regulatory Agenda on which this rulemaking was summarized: State reasons for this rulemaking if it was not included in either of the 2 most recent regulatory agendas: This rulemaking was not anticipated when the Department filed its last regulatory agenda.

The full text of the Proposed Amendments appears on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 915
THE ILLINOIS WATER WELL AND PUMP INSTALLATION CONTRACTOR'S LICENSE CODE

Section
915.10 Applications
915.20 Examination Requirements
915.30 Statutory Authority
915.40 Supervision
915.50 Licensed Contractor Responsibility

AUTHORITY: Implementing and authorized by the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

SOURCE: Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926; amended at 17 Ill. Reg. 4425, effective March 23, 1993; amended at 21 Ill. Reg. _____, effective _____.

Section 915.10 Applications

a) An application for examination for registration as a licensed water well contractor and/or water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least 30 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:
   1) name and address of the applicant;
   2) age of the applicant;
   3) a statement that the applicant is a citizen of the United States or has declared his intention to become a citizen of the United States; and
   4) employment records, W-2's, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days in a maximum of two years.

b) A recent photograph shall comprise a part of the application form and be made a permanent record.

c) Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.

d) Affidavits from previous and current licensed contractor employers must accompany the application indicating the dates which the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

applicant was employed and the locations of previous jobs the applicant performed verifying that the applicant was engaged in water well or water pump installation work and that he performed this work under the supervision of a licensed contractor. The names and addresses of previous licensed contractor employers shall be included. These affidavits shall be made a part of the application form and become a permanent record.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 915.20 Examination Requirements

a) Photograph. A recent photograph of the applicant must be personally presented by the applicant at the time of the examination.

b) Examination. The examination shall be written and consist of four parts prepared by the licensing board. The four parts shall be the following:
   1) general knowledge of well drilling industry;
   2) general knowledge of pump installation industry;
   3) wells; and
   4) pumps.

c) Passing Grade. Applicants desiring a water well contractor license will be required to successfully pass parts 1 and 3 as described in subsection (b) above. Applicants desiring a water well pump installation contractor license will be required to successfully pass parts 2 and 4 as described in subsection (b) above. Applicants desiring licensure for both will be required to successfully pass all parts. The examination shall consist of questions with a combined grade value of 100 points in each part. In order to successfully pass the examination, a grade of not less than 75 must be obtained after averaging the results of the questions from each part taken. However, the applicant must obtain a grade of not less than 70 in each part of the examination.

d) Failure to Pass. An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 915.10. ~~An applicant who fails his first examination will be required in his second or third examinations to retake only those parts in which he received a grade of less than 75; if the applicant is admitted to a fourth or subsequent examinations, he will be required to take an examination in all parts.~~

e) Review of Examinations. Individuals may not review the examinations once they have been taken.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 915.40 Supervision

An applicant for a water well pump installation contractor's license, a water well contractor's license, or a water well and pump installation contractor's license shall have worked at the trade for two years at the direction and under the supervision of an Illinois licensed water well pump installation contractor, a water well contractor, or a water well and pump installation contractor, respectively. The Department shall consider two years to mean a minimum of 420 working days in a maximum of two years. Credit for experience and work performed under the supervision of individuals licensed by another state shall only be allowed when the Department has determined that the requirements for licensure in that other state are equal to those of the Department. The Department shall establish and publish a list of those states. Supervision shall be performed by licensed contractors in accordance with Section 915.50.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Regulations under Illinois Securities Law of 1953

2) Code Citation: 14 Ill. Adm. Code 130

3) Section Numbers: 130.212 — Proposed Action: New

4) Statutory Authority: 815 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: Section 130.212 - Allows the issuer of securities to solicit interest prior to registration.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Allows the small issuer of securities to solicit interest prior to any expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments must be in writing and directed to:

Theresa R. Oxtoby
Illinois Securities Department
520 South Second Street
Springfield, IL 62701
217/782-2256

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Small issuers will be required to file a simplistic notice.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section
130.100 Business Hours of the Securities Department
130.101 Computation of Time
130.110 Payment of Fees
130.120 Place of Filing
130.130 Date of Filing
130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140 Requirements as to Proper Form
130.141 Additional Information
130.142 Additional Exhibits
130.143 Information Unknown or Not Reasonably Available
130.144 Requirements as to Paper, Printing, and Language
130.145 Number of Copies--Signatures
130.190 Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section
133.200 Definitions of Terms Used in the Act and the Rules
130.201 Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202 Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205 Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210 Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act
130.212 Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.216 Definition of "Participates" and "Participation", as Used in Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

2.6 of the Act in Relation to Certain Transactions
130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act
130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act
130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
130.242 Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act
130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act
130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act
130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
130.280 Definition of the Term "Branch Office", as Used in Section 8 of the Act
130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: EXEMPT SECURITIES

Section
130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Section
130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
130.440 Procedures for Filing Reports of Sale under Section 4(G) of the Act
130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
130.442 Report of Sale of Securities pursuant to Section 4(G) of the Act
130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Section
130.501 Title of Securities
130.502 Financial Statement Requirements
130.503 Disclaimer of Control
130.505 Formal Requirements as to Consents
130.506 Consents Required in Special Cases
130.507 Application to Dispense with Consent
130.508 Consent to Use of Material Incorporated by Reference
130.510 Procedures for Registration of Securities by Coordination under Section 5.A of the Act
130.520 Procedures for Registration of Securities by Qualification under Section 5.E of the Act
130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530 Renewal of Registration of Securities Under Section 5(E) of the Act
130.531 Computation of Fees

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533 Formal Requirements for Amendments Under Section 5 of the Act
130.534 Powers to Amend or Withdraw Registration Statement
130.535 Signatures of Amendments
130.536 Delaying Amendments
130.538 Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act.
130.540 Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
130.550 Additional Fees Under Section 5 of the Act
130.570 Legibility of Prospectuses
130.571 Presentation of Information in Prospectuses
130.572 Summaries or Outlines of Documents
130.573 Preparation of Application for Registration
130.574 Incorporation of Certain Information by Reference
130.575 Form of and Limitation Upon Incorporation by Reference
130.576 Statement Required in Prospectuses
130.577 Prospectuses Supplementing Preliminary Material Supplied Previously
130.578 Application of Amendments to this Part Governing Contents of Prospectuses
130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590 Identifying Statements
130.591 Requirements as to Appraisals
130.592 Omission of Substantially Identical Documents
130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section
130.600 Preamble
130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act
130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

Section
130.700 Preamble
130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
130.710 Procedures for Registration of Investment Fund Shares by

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Coordination under Section 7.A of the Act
130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
130.750 Additional Fees Under Section 7 of the Act
130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section
130.805 Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act
130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act
130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer
130.821 Reporting of Dealer Branch Office Location(s) and Required Fees
130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
130.823 Procedure for Requesting Waiver of Dealer, Salesperson or Investment Adviser Examination Requirements
130.824 Financial Statements to be Filed by a Registered Dealer
130.825 Records Required of Dealers and Customer Fees
130.826 Registered Dealer Net Capital Requirement
130.827 Confirmations
130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson
130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees
130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8(D)(9) of the Act Prior to Registration as an Investment Adviser
130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of $500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

130.845 Records Required of Investment Advisers
130.846 Written Disclosure Statements of a Registered Investment Adviser
130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
130.850 Account Transactions
130.851 Commission, Profit or Other Compensation
130.852 Compensation
130.853 Account Transactions
130.854 Use of the Term "Investment Counsel"
130.860 Additional Fees Under Section 8 of the Act
130.872 Procedure with Respect to Abandoned Dealer Applications
130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
130.1100 Preamble
130.1101 Qualifications and Duties of the Hearing Officer
130.1102 Notice of Hearing
130.1103 Institution of a Contested Case by the Securities Department
130.1104 Requirement to File an Answer
130.1105 Amendment or Withdrawal of the Notice of Hearing
130.1106 Representation
130.1107 Special Appearance
130.1108 Substitution of Parties
130.1109 Failure to Appear
130.1110 Motions
130.1111 Requirements Relating to Continuances
130.1112 Rules of Evidence
130.1113 Form of Papers
130.1114 Bill of Particulars
130.1115 Discovery
130.1116 Examination of Witnesses
130.1117 Subpoenas
130.1118 Pre-Hearing Conferences
130.1119 Record of a Pre-Hearing Conference
130.1120 Hearings
130.1121 Record of Proceedings
130.1122 Record of Hearing
130.1123 Orders
130.1124 Burden of Proof
130.1125 Stipulations
130.1126 Open Hearings

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

130.1127 Corrections to the Transcript
130.1128 Imposition of Fines
130.1129 Application for Hearing to Present Newly Discovered Evidence

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
130.1661 Investors Syndicate of America, Inc.
130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
130.1701 Inspection of Applications
130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section 130.212 Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

a) The solicitation of indications of interest to purchase a security made by or on behalf of an issuer for the sole purpose of soliciting an indication of interest in receiving a prospectus (or its equivalent) for such security does not constitute an offer under Section 5 of the Act provided that all of the following conditions are satisfied:

1) The issuer is, or will be, a business entity organized under the laws of one of the states or possessions of the United States or one of the provinces or territories of Canada, is engaged in or proposes to engage in a business other than petroleum exploration or production or mining or other extractive industries and is not a blind pool offering or other offering for which the specific business or properties cannot now be described. For purposes of this Section, the term "blind pool" means, without limitation, a development stage company that has generally disclosed its business plan or purpose, but such business plan or purpose has not identified specific properties or products to be purchased, constructed or developed;

2) The solicitor intends to register the security under Section 5 of the Act;

3) At least ten business days prior to the initial solicitation of interest under this Section, the solicitor files with the Securities Department a Solicitation of Interest Form together with any other materials or communications which are to be utilized in the solicitation of interest, including, without limitation, the script of any broadcast to be made, the text of any electronic dissemination through such media as the Internet or other data networks, and any similar documents together with a copy of any notice or materials to be published or circulated;

4) At least five business days prior to its usage, the solicitor files with the Securities Department any amendments or supplements to the foregoing materials or additional materials to be utilized in the solicitation of interest, except for materials provided to a particular solicitee pursuant to a request by that person;

5) No Solicitation of Interest Form, script, advertisement or other material which the solicitor has been notified by the Securities Department not to distribute is utilized to solicit indications of interest;

6) Except for scripted broadcasts and published notices, the solicitor does not communicate with any solicitee about the contemplated offering unless the solicitee is provided with the most current Solicitation of Interest Form at or before the time of the communication but no later than five days from the date of communication;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

7) During the solicitation of interest period, the solicitor does not solicit or accept money or a commitment to purchase securities;

8) No sale is made until seven days after delivery to the purchaser of a final prospectus, offering circular or disclosure document as the case may be, or in those instances hereunder in which delivery of a preliminary prospectus is allowed, a preliminary prospectus; and

9) The solicitor does not know, and in the exercise of reasonable care, could not know that the issuer or any of the issuer's officers, directors, ten percent shareholders, partners, members or promoters (or any person performing a similar function):

A) Has filed a registration statement or an application for registration of securities which is the subject of a currently effective registration stop order entered pursuant to any federal or state securities law within five years prior to the filing of the Solicitation of Interest Form.

B) Has been convicted within five years prior to the filing of the Solicitation of Interest Form of any felony or misdemeanor in connection with the offer, purchase or sale of any security, or any felony involving fraud or deceit, including, without limitation, forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to defraud.

C) Is currently subject to any federal or state administrative enforcement order or judgment entered by any state securities administrator or the Securities and Exchange Commission within five years prior to the filing of the Solicitation of Interest Form or is subject to any federal or state administrative enforcement order or judgment entered within five years prior to the filing of the Solicitation of Interest Form in which fraud or deceit, including, without limitation, making untrue statements of material facts or omitting to state material facts, was found.

D) Is subject to any federal or state administrative enforcement order or judgment which prohibits, denies, or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities.

E) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the State entered within five years prior to the filing of the Solicitation of Interest Form.

The prohibitions listed above in subsections (a)(9)(A) through

(E) of this Section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the dealer employing such party is registered in this State and the Form BD filed with this State discloses the order, conviction, judgment or decree relating to such person. No person disqualified under this Section may act in a capacity other than that for which the person is registered. Any disqualification caused by this Section is automatically waived if the agency which created the basis for the disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

b) A failure to comply with any condition of subsection (a) of this Section will not result in the offer of a security provided that the solicitor demonstrates that:

1) the failure to comply did not pertain to a condition directly intended to protect that particular individual or entity;

2) the failure to comply was insignificant with respect to the offering as a whole; and

3) a good faith and reasonable attempt was made to comply with all applicable conditions of subsection (a) of this Section.

Where a solicitation of interest is established only through reliance upon this subsection (b), the failure to comply shall nonetheless be actionable by the Securities Department as a violation of Section 12 of the Act.

c) The solicitor shall comply with the requirements set forth below:

1) Any published notice, script for broadcast or electronic dissemination through such media as the Internet or other data networks or similar means of communication shall contain at least the identity of the chief executive officer of the issuer, a brief and general description of its business and products, and the following legends:

A) THIS IS A SOLICITATION OF INTEREST ONLY. NO MONEY OR OTHER CONSIDERATION IS BEING SOLICITED AND NONE WILL BE ACCEPTED;

B) NO SALES OF THE SECURITIES WILL BE MADE OR COMMITMENT TO PURCHASE ACCEPTED UNTIL THE DELIVERY OF A FINAL OFFERING STATEMENT THAT INCLUDES COMPLETE INFORMATION ABOUT THE ISSUER AND THE OFFERING;

C) AN INDICATION OF INTEREST MADE BY A PROSPECTIVE INVESTOR INVOLVES NO OBLIGATION OR COMMITMENT OF ANY KIND;

D) THIS SOLICITATION OF INTEREST IS BEING MADE PURSUANT TO AN EXEMPTION FROM REGISTRATION UNDER THE FEDERAL AND STATE SECURITIES LAWS. NO SALE MAY BE MADE UNTIL THE OFFERING STATEMENT IS QUALIFIED BY THE SEC AND IS REGISTERED IN THIS STATE; AND

E) NEITHER THE FEDERAL NOR THE STATE AUTHORITIES HAVE CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT OR

ANY OTHER DOCUMENT PRESENTED TO YOU IN CONNECTION WITH THIS SOLICITATION OF INTEREST.

2) All communications with prospective investors made in reliance on this Section must cease after an application for registration of securities is filed in this State, and no sale may be made until at least twenty days after the last communication made in reliance on this Section.

3) A preliminary prospectus (or its equivalent) may only be used in connection with an offering for which indications of interest have been solicited under this Section provided that the offering is conducted by a registered dealer in this State.

d) The Securities Director, or his or her designee, may waive in writing any provision of this Section, upon written application by the solicitor and due cause having been shown. Neither compliance nor attempted compliance with this Section, nor the absence of any objection or proceeding instituted or Order issued by the Secretary of State under Section 11 of the Act with respect to any solicitation of interest to purchase securities undertaken pursuant to this Section, shall be deemed to be a waiver of any provision of this Section or deemed to be a confirmation by the Securities Department of the availability of this Section.

e) Issuers on whose behalf indications of interest are solicited under this Section may not make offers or sales in reliance upon subsection D, G, H, R or S of Section 4 of the Act until twelve months after the last communication with a solicitee made pursuant to this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 11, 1997 through February 17, 1997 and have been scheduled for review by the Committee at its March 18, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/29/97	Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill Adm Code 200)	12/20/96 20 Ill Reg 15843	3/18/97
3/29/97	State Board of Elections, Registration of Voters (26 Ill Adm Code 216)	11/1/96 20 Ill Reg 14113	3/18/97
3/30/97	Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	12/27/96 20 Ill Reg 16064	3/18/97
3/30/97	Department of Natural Resources, Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830)	12/27/96 20 Ill Reg 16055	3/18/97

PROCLAMATIONS

97-48
WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

Whereas, poverty, loneliness, and anonymity are ever present realities in our society; and

Whereas, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and

Whereas, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent, disabled, lonely, and unknown persons who live and die among us; and

Whereas, the unselfish acts of these caregivers and the contributions to our society of carereceivers are not always known and formally recognized; and

Whereas, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Potter's Field in their area; and

Whereas, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 28, 1997, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.

Issued by the Governor February 3, 1997.

Filed by the Secretary of State February 7, 1997.

97-49
BARBARA A. CIMAGLIO DAY

Whereas, Barbara A. Cimaglio has worked her way through all aspects of the prevention and treatment field, from outreach worker to program director; and

Whereas, she has been a dedicated public servant since 1988; and

Whereas, she has provided leadership to the field of substance abuse services in her capacity as the Director of the Illinois Department of Alcoholism and Substance Abuse since 1994; and

Whereas, she played a pivotal role in the Illinois Prevention and Treatment Systems' national recognition as model programs; and

Whereas, she has set a course for the development of outcome-focused prevention and treatment programming in Illinois; and

Whereas, Barbara Cimaglio has provided strong leadership in times of change and her staff is truly appreciative of her vision and quiet determination; and

Whereas, her husband, Dan, and daughter, Anna Marie, have supported her in her endeavors on behalf of a healthier Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 19, 1997, as BARBARA A. CIMAGLIO DAY in Illinois in honor of her commitment to Illinois and offer best wishes for continued success.

Issued by the Governor February 4, 1997.

Filed by the Secretary of State February 7, 1997.

97-50
ILLINOIS PORK PRODUCERS ASSOCIATION DAY

PROCLAMATIONS

Whereas, the Illinois Pork Producers Association, which began as the Illinois Swine Herd Improvement Association in 1947, celebrates its 50th anniversary improving the quality of pork production in Illinois; and

Whereas, women put their energies to work on behalf of the Illinois pork industry forming a voluntary auxiliary in 1964, which in 1993 merged with the Illinois Pork Producers Association to form one organization; and

Whereas, the Illinois Pork Producers Association values youth, providing leadership programs such as the Pork Leadership Institute and Swine Youth Challenge as well as selecting Pork Industry Ambassadors annually; and

Whereas, the Illinois Pork Producers Association has been influential in the livestock movement, developing a leaner hog through intensive breeding and feeding programs, and initiating legislation for livestock waste management and the eradication of pseudorabies, hog cholera and swine brucellosis; and

Whereas, the Illinois Pork Producers Association has been progressive in meeting the demands of consumers worldwide, initiating the Pork Quality Assurance program, continually developing new cuts of meat such as the Illinois Sirloin of Pork and showing the nutritional value of pork through its "The Other White Meat" initiative; and

Whereas, the Illinois Pork Producers Association has helped to ensure a favorable climate for pork production in Illinois, allowing producers to raise nearly 4.6 million head of hogs in 1995, totaling $339.5 million in revenues, and providing for 20,220 jobs in the State;

Therefore, I Jim Edgar, Governor of the State of Illinois, proclaim February 6, 1997, as ILLINOIS PORK PRODUCERS ASSOCIATION DAY in Illinois.

Issued by the Governor February 4, 1997.

Filed by the Secretary of State February 7, 1997.

97-51

L.C. POTTS DAY

Whereas, L.C. Potts married Louise Potts in 1952; and

Whereas, L.C. and Louise had seven children; Larry C., Gloria Young, Andrew, Gerald, Otis, Jeneeta and Shawn; and

Whereas, L.C. Potts was a foreman and supervisor for A.J. Maggio Construction Company for 41 years before he retired on June 30, 1995; and

Whereas, L.C., who served the Garfield and Austin communities for more than 30 years, was widely respected as a role model; and

Whereas, L.C., who passed away on August 5, 1995, is still loved, respected and missed by his wife, family and friends;

Therefore, I Jim Edgar, Governor of the State of Illinois, proclaim August 5, 1997, as L.C. POTTS DAY in Illinois in remembrance of L.C.

Issued by the Governor February 4, 1997.

Filed by the Secretary of State February 7, 1997.

97-52

LIFE INSURANCE WEEK

Whereas, families depend upon life insurance more than any other form of personal protection; and

Whereas, the Illinois Life Underwriters Association and its members have

PROCLAMATIONS

provided generations the means and opportunity to build individual, family, and business economic security; and

Whereas, underwriters, agents, managers, and general agents contribute to the effectiveness and progress of the insurance industry through their skilled and personal service; and

Whereas, these professional organizations throughout Illinois have joined together to celebrate their common tradition of providing public service to enhance the well-being of their communities, continue the ongoing process of education to members, and promote the highest ethics and professionalism among insurance agents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 11-17, 1997, as LIFE INSURANCE WEEK in Illinois and commend the professional organization members for their tireless work for the good of their profession and their community.

Issued by the Governor February 4, 1997.

Filed by the Secretary of State February 7, 1997.

97-53

PUBLIC HEALTH WEEK

Whereas, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability and dependence; and

Whereas, April 7-13, 1997, has been designated as National Public Health Week by the American Public Health Association and other distinguished State and national organizations; and

Whereas, the Illinois Public Health Association, together with many other State organizations, has dedicated the first full week of April to showcase public health accomplishments and to hold special events; and

Whereas, all observances during the first full week of April will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and

Whereas, the observation is a cooperative effort of the State and local health departments, academic institutions, allied organizations, community groups and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

Whereas, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community and environmental health through organized activities in the areas of education, research and health policy development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 7-13, 1997, as PUBLIC HEALTH WEEK in Illinois and urge citizens to take part in the events planned for this observance.

Issued by the Governor February 4, 1997.

Filed by the Secretary of State February 7, 1997.

97-54

SAVING MONTH

PROCLAMATIONS

Whereas, saving is vital to the financial security of families and future generations; and

Whereas, education on financial issues at an early age is an important first step toward lifelong awareness of the value of personal saving; and

Whereas, increased saving will also provide investment capital to keep the American economy globally competitive and help maintain our national standard of living; and

Whereas, the saving ethic has always been an esteemed part of the American character, with its strong emphasis on economic independence and self-sufficiency;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1997 as SAVING MONTH in Illinois.

Issued by the Governor February 4, 1997.

Filed by the Secretary of State February 7, 1997.

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

2-2250-3
2-2251-3
8-270-4
8-281-4
11-100-5
11-200-3
11-201-3
11-211-3
11-212-3
11-404-3
11-423-3
11-1320-3
11-1422-3
11-1431-3
14-130-9
17-650-2
17-660-2
17-670-2
17-850-1
17-2520-7
20-525-9
20-405-2
20-415-2
20-1520-3
23-226-3
23-2700-7
23-2720-7
23-2721-7
23-2730-7
23-2731-7
23-2732-7
23-2733-7
23-2735-7
23-2736-7
23-2755-7
23-2760-7
23-2761-7
23-2762-7
23-2763-7
23-2764-7
23-2765-7
23-2770-7
23-2771-7
23-2790-7
35-201-1
35-211-1,7
35-218-7
35-219-7
35-275-5
35-310-4
35-399-8
35-374-8
35-620-8
35-740-8
38-190-4
41-100-4
41-170-9
41-180-9
50-909-8
56-353-6
59-103-6
59-113-6
59-115-6
59-119-6
59-121-6
59-132-6
68-1455-3
71-400-1
77-230-7
77-300-7
77-350-7
77-915-9
77-935-9
80-310-3,9
80-420-6
80-1540-1
80-1650-1
80-2700-9
83-590-7
89-102-4
89-112-2,3,4
89-113-2
89-114-2,3
89-117-4
89-120-2
89-121-9
89-240-4
89-302-3
89-305-3
89-407-1
89-505-3
89-590-1
89-682-8
89-830-8
92-1030-6

ADOPTED

2-560-1
4-1100-2
8-65-3
8-105-3
8-115-3
8-260-7
11-300-3
11-510-3
17-590-2
17-1590-7
17-2650-2
20-1265-4
20-1275-4
23-120-7
23-525-7
23-3040-7
26-207-8
35-211-8
35-302-1
35-304-1
35-817-4
38-307-2
38-370-2
41-120-3
41-121-3
41-123-3
50-925-6
50-1410-3
50-2405-4
50-4401-6
50-4405-6
50-5602-6
50-6301-6
59-112-7
59-113-7
59-115-7
59-119-7
68-1230-1
68-1455-6
77-692-4
77-1190-1
77-2090-6
80-310-6
80-1650-7
83-650-6
86-100-3
86-107-7
86-480-7
86-690-7
86-691-7
86-692-7
89-102-2
89-111-7
89-112-3,5,8
89-117-1
89-142-7
89-149-7
89-160-4
89-170-5,6,7
89-340-3
89-407-3
89-553-5,8
89-590-5
89-676-8
89-679-8
92-554-8
92-1002-1

EMERGENCY

20-405-2
20-415-2
20-525-2
20-701-2
20-1520-3
77-515-7
80-310-3
80-420-6
80-1540-1
80-1650-1
89-112-2
89-113-2
89-114-2
89-120-2
89-140-2
89-302-3

PEREMPT.

8-125-4

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @$200.00 PER SET.
__1977-1978__1979__1980__1981__1982__1983__1984__1985__1986
__1987__1988__1989__1990__1991__1992__1993__1994__1995__1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @$1.00 EACH.
__1981__1982__1983__1984__1985__1986__1987__1988__1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @$1.00 EACH.
__1984__1985__1986__1987__1988__1989

CUMULATIVE/SECTIONS AFFECTED INDICES @$5.00 EACH.
__1990__1991__1992__1993__1994__1995__1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @$10.00 EACH._____ _____ _____
(VOLUME #) (ISSUE #) (ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @$290.00 (52 ISSUES)
____NEW ___RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED QUARTERLY @$290.00
___1996 CODE & 2 SUPPLEMENTS ____QUANTITY

TOTAL AMOUNT OF ORDER: $_____
__CHECK __VISA __DISCOVER CARD #:_____

EXPIRATION DATE:_____ SIGNATURE:_____
(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:

_____
(NAME, PLEASE TYPE OR PRINT)

_____
(ADDRESS)

_____
(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756